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# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, May 10, 2001

1:30 PM

DOCUMENTS DEPT.

JUN 26 2001

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PRESENT: Baltimore, Chinchilla, Fay, Joe, Salinas, Theoharis  
ABSENT: None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT THEOHARIS AT 1:35 p.m.

STAFF IN ATTENDANCE: Gerald G. Green, Director of Planning; Larry Badiner, Zoning Administrator; Rick Cooper; Elizabeth Gordon; Dan Sider; Ben Fu; Andrea Wong; Scott Sanchez; Sharon Young; Craig Nikitas; Michael Smith; Tom Wang; Nora Priego, Transcription Secretary; Isolde Wilson, Acting Commission Secretary

### ADDENDUM ITEM:

2001.0253D (JONES: 558-6477)  
3868-96 NORIEGA STREET - northeast corner of Noriega Street between 46th and 47th Avenues; Lots 53, 54 and 55 in Assessor's Block 2004. Request for Discretionary Review of Building Permit Applications: 9927325, 9937326, 9937327 for the demolition of a two-story structure and the construction of three, mixed-use buildings, each containing three residential units (total 9 units) over commercial space in an NC-1 (Neighborhood Commercial Cluster District) and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

Note: On April 26, 2001, after public testimony the Commission closed the public hearing and continued the matter to May 10, 2001 instructed staff to explore finish materials for each building.

(Proposed for Continuance to May 17, 2001)

**SPEAKER(S):** None  
**ACTION:** Continued to May 17, 2001  
**AYES:** Baltimore, Chinchilla, Fay, Joe, Salinas, Theoharis

#### A. ITEMS PROPOSED FOR CONTINUANCE

1. 2000.1058E (DEAN: 558-5980)  
1598 DOLORES STREET - located at the northwest corner of Dolores and 29th Streets; Assessor's Block 6618; Lots 7, 9, 38. **Appeal of a Preliminary Negative Declaration.** The proposed construction consists of two, four-story residential buildings with a total of 13 units (two of which would be affordable units) and demolition of an existing two-story mortuary building. The project would provide 13 off-street parking spaces. The proposed project site is 10,500 sq. ft. and is located in the NC-1 (Neighborhood Commercial Cluster) District. The project would require Conditional-Use Authorization by the City Planning Commission.  
Preliminary Recommendation: Uphold Negative Declaration  
(Proposed for continuance to May 24, 2001)
- SPEAKER(S):** None  
**ACTION:** Continued to May 24, 2001  
**AYES:** Baltimore, Chinchilla, Fay, Joe, Salinas, Theoharis
2. 2000.1058C (TAM: 558-6325)  
1598 DOLORES STREET – (Reilly's Funeral Home), northwest corner of Dolores and 29th Streets; Lots 7, 9, and 38 in Assessors Block 6618. Request for Conditional Use to demolish the existing one and two-story mortuary building and construct two (2) new four-story, residential buildings with a total of 13 dwelling units (two of which would be affordable units) and 13 parking spaces on lots totaling approximately 10,500 square feet.  
Preliminary Recommendation: Approval with Conditions.  
(Proposed for continuance to May 24, 2001)
- SPEAKER(S):** None  
**ACTION:** Continued to May 24, 2001  
**AYES:** Baltimore, Chinchilla, Fay, Joe, Salinas, Theoharis
3. 2001.0005C (SIDER: 558-6697)  
224 MISSISSIPPI STREET - west side between Mariposa and 18th Streets; Lot 002 in Assessor's Block 4001. Request for Conditional Use Authorization to allow the continuation of a nonconforming light industrial use, doing business as Graphisoft pursuant to Planning Code Section 185(e), in an RH-2 (Residential, House, Two-Family) District with a 40-X Height and Bulk Designation. The proposal is to allow the continued occupancy of the ground floor of the subject property by a light industrial use for 20 years. No physical changes are to be made to the structure.  
Preliminary Recommendation: Pending  
(Proposed for Continuance to May 24, 2001)
- SPEAKER(S):** None  
**ACTION:** Continued to May 24, 2001  
**AYES:** Baltimore, Chinchilla, Fay, Joe, Salinas, Theoharis

#### B. COMMISSIONERS' QUESTIONS AND MATTERS

4. Commission Matters

**Linda Avery:** A form was given to the Commissioners to fill out with information on how they can be reached in case they are on vacation and need to be reached by the Mayor.

**Commissioner Chinchilla:** He would like to see the Commissioners amend the stakeholders as discussed earlier to give appellate rights in CU cases to business owners and tenants. Expedite appropriate language.

## C. DIRECTOR'S REPORT

### 5. Director's Announcements

#### *Transit Impact Development Fee Analysis and Planning Report:*

This report was given to the Commissioners in anticipation of an informational hearing. This informational hearing will be held at the discretion of the Commission.

During the Planning Commission hearing of May 17, 2001, a series of briefings will be held on the status of the process to replace IPZ interim controls. These briefings should be held before the August 6, 2001 deadline. These briefings will be in the form of a status report.

During the Planning Commission hearing of June 7, 2001, there will be a discussion on the annual limit program rules.

#### *Finance Committee Hearing*

- He appeared before the Finance Committee to respond to the Department's request for a supplemental appropriation.
- In February, the Director spoke to the Commission to endorse the Department's work program. The Department is actually generating more fee revenue than originally forecasted. He found a need to allocate those funds specifically to expand the existing Balboa Park Better Neighborhood's program, fund an appropriate planning process and community-based planning process to replace the IPZ Interim Controls, and assure that we had proper funds to carry out the necessary environmental review for these Interim Controls. It was important to have positions to help carry out this work. One of these positions is a liaison to the Board of Supervisors with the new and increased workload resulting from district representation.
- He asked for 1.9 million dollars in order to carry the work out and fill these positions. The Committee recommended to the full board that they do provide the funding to carry out the consultant driven work, to continue the Better Neighborhoods program but they did not approve the funds for the 4 positions. The Committee deferred the funding for the 4 positions to be taken up as part of the full budget process, which starts in June. That was the decision of the budget analyst for the Board of Supervisors. The Director opposed since this decision would delay work.
- An Interim Acceptance Process was then agreed upon which will allow some of the revenue from the planning budget in June 2001 to cover these positions. They will make a decision to allow us to proceed even though they have not authorized these salaries. This will protect the integrity of the full budget process.

#### *Housing, Transportation and Land Use Committee Hearing*

Larry Badiner, Ken Chin and Scott Sanchez of the Planning Department, represented the department regarding wireless communications and antennas.

- There were representatives from wireless communications companies as well as representatives from an organization called SNAFOO. There were discussions of implementing a moratorium by neighborhood groups. Mr. Badiner had to leave the meeting early so he doesn't know the results of this request. The department will analyze the guidelines and find out the results of this meeting and report to the Commission on May 17, 2001.

6. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

**Board of Appeals**

May 2, 2001 Hearing

*4616 18<sup>th</sup> Street* – This project was a dwelling unit merger and the Commission denied the merger. The BOA overturned the Commission's decision because although the board feels that the Commission's DR policy is a good policy, the board is making their decisions on a case-by-case basis. The board decided that this case was in the "pipeline", that it was not a monster home, and that there would be no loss of rental housing. The board is not overturning the Commission's DR policy just the decision on this specific case.

May 9, 2001 Hearing

*690 DeHaro Street* – The Commission voted to take DR on this case, then it went to the BOA and the board upheld the Commission's decision. The subdivision from DPW went to the BOS and the board denied the subdivision based upon environmental issues and general planning issues.

The question came up of rehearing the case on the DR. If there is substantial new information that could affect the project, the board could allow a rehearing yet the board did not believe that a new hearing should be held. The board felt that the new information did not affect their decision.

*696 Pennsylvania Street* – This is a live/work project, the Commission took mandatory DR. The Zoning Administrator issued a notice of violation and the BOA overturned his decision.

*1800 Mission Street (Armory)* – This was an appeal of a negative declaration for a "server farm". The Commission upheld the negative declaration and a DR was filed, this DR did not come to the attention of the department, the ZA issued a suspension of the work order. The BOA decided to continue the suspension until after the hearing at the Commission. Whatever the decision the Commission makes, the board will consider it.

7.

(ALUMBAUGH: 558-6601)

BETTER NEIGHBORHOODS 2002 – Informational presentation regarding Market and Octavia Neighborhood Plan.

SPEAKER(S):

(+) Patricia Walkin

- She wants to express the enthusiasm that the community has shown.
- All presentations have been well attended. People have been very pleased with the planning.
- This plan accommodates their goals by providing housing that fits criteria for affordable housing.
- They are happy to increase the density of the neighborhood without increasing congestion.
- Many parts of this neighborhood are crime-ridden. When there are a lot of shops and good pedestrian traffic this can deter crime.
- They are thankful that they were one of the three neighborhoods chosen.
- They are happy to build the Octavia Boulevard.
- This plan will be great for the neighborhood as well as the whole city.
- This will become an interesting and diverse community.

(+) Rob Levit – Member of the Board of the Hayes Valley Neighborhood Organization

- He is not going to repeat the comments from the previous speaker yet he agrees with everything she said.
- He will say that everyone is very enthusiastic about the planning process.
- This planning process opens up an opportunity for improvement in the neighborhood.
- He just wants to say thank you!

- They have been talking about the neighborhood as being a pedestrian neighborhood and being transit friendly. They have been pushing to reduce the parking requirements and build affordable housing and having more pedestrian traffic.

(+) Joe Curtin - President of the Castro Area Planning In Action

- He agrees with the previous speakers.

- The workshops have been very successful.

- They are anxious to work with planning staff.

- The development of the Market Street plan will connect various areas of the City to the subject area.

- This street is the most important street of the City.

- He hopes this program continues for many years.

#### D. REGULAR CALENDAR

8. 1999.423E (COOPER: 558-5974)

639-699 – 2<sup>ND</sup> STREET - on the northeast corner of Townsend and Second Streets, Assessors Block 3789, Lots 4 and 5. **Public Hearing on the Draft Environmental Impact Report (EIR).** The proposed project would include the conversion of the existing two-story-over-basement building at 699 Second Street, which has been determined to be eligible for the *National Register of Historic Places* and is a contributory element to the South End Historic District, from its industrial/warehouse designation, to office and retail/restaurant use, and construction of a three-story addition with two levels of underground parking. The resulting building would contain about 49,950 square feet of office space, about 6,550 square feet of retail/restaurant space and about 100 off-street parking spaces. On the adjacent parcel to the north with an existing surface parking lot, at 639 Second Street, a separate six-story building would be constructed that would include about 49,950 square feet of office space, nine residential units and 112 off-street parking spaces. The project site is located in an SSO (Service/Secondary Office) zoning district, and a 50-X Height and Bulk District.

Preliminary Recommendation: No Action Required

Note: Written comments will be accepted at the Planning Department's offices until the close of business on May 29, 2001.

SPEAKER(S): None

ACTION: No Action Required by the Commission

9. 2000.507L (LIGHT: 558-6254)

261-271 COLUMBUS AVENUE (CITY LIGHTS BOOKSTORE) - south side of street between Jack Kerouac Street and Broadway. Assessor's Block 162, Lot 18. The subject property is zoned Broadway NCD (Neighborhood Commercial District) and is in a 65-A-1 Height and Bulk District. This hearing is for the consideration of approval of the proposed Landmark Designation of the City Lights Bookstore as Landmark No. 228. Approval of the proposed Landmark Designation was recommended by the Landmarks Preservation Advisory Board to the Planning Commission at the Board's public hearing on March 21, 2001.

Preliminary Recommendation: Approval

SPEAKER(S):

(+) Daniel Reidy – Landmarks Preservation Advisory Board

- He is honored to bring this designation to the Commission.

- It has been one of the most personally satisfying projects that he has worked on since being appointed by the Mayor to serve on the Landmarks Advisory Board about 5 years ago.

- They developed a case report with a combination of work with staff and their board and Tim Kelley, who is a historian, actually did the major work on the drafting of the original case report.

- There was universal support. In Paris, they believe that the building has already received a landmark designation.
  - A number of people thought that they could take the case report and add new material. People who had access to the North Beach Survey, the owners themselves thought that there could be corrections and augmentation of the material. There were two distinguished published writers: Lorence Furlingetti and Nancy Petters who contributed information.
  - GG Platt and other preservation people felt that there had to be more architectural attention to the building and the architect. Although he was not well known, a lot of his work was destroyed in the 1906 earthquake. The architect was really a master.
  - He recommends that this building be dedicated as an architectural landmark.

(+) **Gerry Crowley – President of Telegraph Hill Dwellers Association**

  - There are about 791 members and were founded in 1954, just one year after Lawrence Furlingetti and his partner found the City Lights Books Store.
  - The historical significance of its place and the literary culture of this nation are well documented.
  - Since their inception, Telegraph Hill Dwellers mission has been to protect and preserve neighborhood character.

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Fay, Joe, Salinas, Theoharis

MOTION No. 16156

10. 2001.0203C (SIDER: 558-6697)  
1192 FOLSOM STREET - northeast corner of 8<sup>th</sup> Street, Lot 28 in Assessor's Block 3730. Request for Conditional Use Authorization to allow the intensification of a nonconforming night time entertainment use, pursuant to Planning Code Section 181(f), in an SLR (Service, Light Industrial, Residential) District with a 50-X Height and Bulk designation. The proposal is to intensify the existing ground floor bar and place of entertainment (Border Café & Cantina) by allowing dancing and amplified entertainment until 2 a.m. Tuesday through Thursday mornings, until 4 a.m. Friday morning, and until 6 a.m. Saturday through Monday mornings. No physical changes are to be made to the structure.  
Preliminary Recommendation: Approval for dancing and entertainment/Disapproval for extended hours  
(Continued from Regular Meeting of May 3, 2001)

**SPEAKER(S):**

(+) John Luna – Project Sponsor

- He is here to represent his family's business, the Border Café and Cantina.
  - The Border Café and Cantina has a long history in the South of Market area and so does his family.
  - Ignacio Luna Sr. came to this country as a "bracero" a Mexican immigrant contract worker. Ten years after his arrival he opened a delicatessen business in the South of Market area. He was the only Mexican business owner in the area. An accomplishment he is very proud of.
  - In 1964, he expanded and opened a business on Folsom and 8<sup>th</sup> Street, the project site. The business was a delicatessen, "La Ideal Deli". However, when his father, Ignacio Luna, Jr., took over, he diversified the deli's business by incorporating a Mexican restaurant, entertainment and comedy.
  - As a third generation business owner, his father has given him the opportunity his father gave him; the opportunity to continue to run the family business.
  - Obtaining the proper permits are very important to him.
  - The restrictions for entertainment hours are very restrictive.
  - Originally they had requested to operate entertainment 24 hours a day, 7 days a week.

- After community meetings, Officer Rose Meyer made some suggestions, which he agreed to regarding the hours of operation: dancing after hours on Friday and Saturday until 4:00 a.m. only. He agreed if she would agree to endorse all night dance if they operate the nightclub responsibly.

- He has gone around and explained to several neighbors of what he intends to do. He has assured them that he will operate responsibly. He has given several neighbors his phone number so that they can call him in case there are any problems or complaints.

- He plans to keep a cordial relationship with the neighbors.

- He is asking for unrestricted hours 6:00 a.m. to 2:00 a.m. on Sunday, Monday, Tuesday, Wednesday and Thursdays. 6:00 a.m. to 4:00 a.m. on Friday and Saturday.

**(+) Officer Rose Meyer – Permit Officer, San Francisco Police Department**

- She is not here representing the chief or the police department. She is here representing Captain O'Hara.

- She is not here to advocate the nightclub.

- Mr. Luna has not yet applied for a police permit, just an amendment to the change of hours. He wanted to come to the Commission first.

**(+) Jim Meko – SOMA Leadership Council**

- He read the 7 angry letters, which are attached to the file of this project. He contacted I the people who wrote these letters. He spoke to the angriest and the saddest.

- Sleep deprivation can kill you.

- John Luna keeps his promises. He has known the Luna's for about 20 years. This family has run a business for about 36 years. John will show others what it means to respect your neighborhood. The Late Night Coalition is here to support this club.

**(+) Tarrantce Allen- San Francisco Late Night Coalition**

- History is in front of the Commissioners eyes. They were formed to control and make sure that not all of the clubs be closed.

- He urges the Commission to approve this proposal and consider that economic vitality is very important in the City.

- He knows that when businesses are shut down and landlords are not allowed to open their businesses, the neighborhood becomes blighted.

**(+) John Ward – San Francisco Late Night Coalition**

- They are putting themselves on the line to stay with this situation.

- They have stressed to John Luna for his business to be a model business.

**(+) Leslie Ayres – San Francisco Late Night Coalition**

- What they have been dealing with over the last years is a loss of business permits where people can go dance late at night

- There are visitors who come to the City to dance.

- This business has been around for 36 years and is responsible operator.

**(+) Fareka – neighbor**

- She is here to show her support to John Luna.

**(+) Darel Boyle**

- In the 4 years he has been working in the South of Market area he has not had any problems with the club.

**(+) Kevin – neighbor**

- In the South of Market, socializing is done mostly in clubs.

- He supports this project.

**(-) Daniel Dabcosky**

- He is a native San Franciscan and is faced with a situation. He has worked hard his entire life to pursue the American dream and acquire a piece of property about 3 years ago. He purchased a 4-unit building with his entire life savings. This property is located right across from the Border Cantina.

- He knows that the area is zoned mixed use yet he opposes this proposal.

- When he purchased his property the noise level in the area was tolerable.

- Several new clubs have opened so the noise has become intolerable.

- He has called the police about 10 to 12 times.

- The livelihood of all the residents has become quite difficult.

- There are times when he has not been able to sleep until about 3:00 a.m. This makes it quite difficult for a person to function if they have to get up the next day to go to work.

**ACTION:** Approved with amended hours: allow dancing and amplified entertainment from Sunday through Thursday until 2:00 a.m. and from Friday and Saturday until 4:00 a.m.

**AYES:** Baltimore, Chinchilla, Joe, Fay, Salinas, Theoharis

**MOTION No.** 16157

11. 2001.0252C (FU: 558-6613)

1218 SOUTH VAN NESS AVENUE - west side between 23rd and 24th Streets, Lot 67 in Assessor's Block 3642. Request for Conditional Use Authorization under Planning Code Sections 209.3(g), and 209.3(h) and pursuant to Planning Code Section 303, to allow the conversion of a convalescent home into an elementary and secondary school in an RM-2 (Residential, Mixed, Moderate Density) District with a 50-X Height and Bulk designation.

Preliminary Recommendation: Approval with conditions

(Continued from Regular Meeting of May 3, 2001)

**SPEAKER(S):**

(-) Charles Bloszies - Project Architect/Sponsor

- The most recent use of this facility was its original and only use since 1965.
- The proposed use is less intensive.
- The physical building is perfect for the school. There will be no major changes done to the building. No changes to the exterior.
- The conditions of approval are fine with the project sponsor.
- Both the building and the location are ideal for the school.

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Joe, Fay, Salinas, Theoharis

**MOTION NO.** 16158

12. 1998.927C (WONG: 558-6381)

40 WOODWARD STREET - west side between Dubose and 14th Streets, Lot 048 in Assessor's Block 3532. Request for Conditional Use Authorization to renew a nonconforming use (storage warehouse) under Planning Code Section 185 in a RM-1 (Residential, Mixed) Zoning and a 50-X Height/Bulk District. No construction, alteration, expansion of the existing building or use is proposed.

Preliminary Recommendation: Disapproval

**SPEAKER(S):**

(+) Mark Deong - Project Sponsor

- He wrote a letter and wanted to make sure that the Commission received the letter.
- He could not do anything to the property right now, just use it as it has been used.
- The garage door doesn't even work.
- He hopes that the Commission considers his situation.
- If he is not able to use the property for what he intends to do, it will not be beneficial for the City.
- He would like to develop this property for housing.

**ACTION:** Project Disapproved

**EXCUSED:** Chinchilla

**AYES:** Fay, Joe, Salinas, Theoharis

**NAYES:** Baltimore

**MOTION NO.** 16159

13. 2001.0363C (WONG: 558-6381)  
1212 THOMAS AVENUE - north side between Ingalls and Hawes Avenues; Lot 029 in Assessor's block 4792. Request for Conditional Use Authorization to demolish a 14,000 square foot industrial building which involves the displacement of a production, distribution or repair business in an M-1 (Light Industrial) Zoning District and a 40-X Height and Bulk District, pursuant to Planning Commission Resolution No. 14861. The subject property falls within the IPZ (Industrial Protection Zone) buffer of the interim zoning controls for industrially zoned lands. The State of California has issued an abatement order to demolish the building in order to remediate contaminated soil on both the subject and adjacent properties.

Preliminary Recommendation: Approval with conditions

**SPEAKER(S):**

**(+) Barbara Cook – California Department of Toxic Substance Control**

- Her department has approved two plans, which require the excavation of contaminated soil from the 1212 Thomas Avenue as well as the residential properties and a vacant lot.
- The plans ask for all contaminated soil to be removed.
- The building must be demolished because the excavation of the soil must be of varying depths and she wants to be sure that it's done safely, effectively and quickly.
- This demolition permit and conditional use permit must be issued quickly in order to begin the work.
- The requirement is that no heavy equipment be used. Their intent was that the project sponsor not come out with a big bulldozer since it's near other structures and fences separating residential structures.

**(+) Nicholas van Aelstyn - Attorney**

- He is representing the Bay Area Drum Ad Hoc PRP Group
- As Ms. Cook indicated that group has entered into an agreement to implement the cleanup of the property as well as the eight adjoining residential properties.
- The buildings and the lot next to it contain piles of drums. Behind the pile of drums are the eight residential properties.
- The community has been demanding this clean up for many years.
- There has been thorough public comment and communication. There have been countless meetings with neighbors, public organizations, etc.
- They seek approval in order to implement the plans. It is critical; otherwise, the work will not be done before the rains come.

**(+) Jim Cantrell**

- He is here to support the demolitions. He is one of the residents that abut this particular property. His biggest concern is that he is the grandfather of 8 children and they cannot play in his back yard.
- There have been some obstacles but he hopes that the Commission will approve the project.

**(+) Gladys Madison**

- She is a resident near this site. There are 8 families in the back of the project site. She was able to see all the undesirable things that went on. Her late husband used to ask the owner of the property to cover all the barrels because there were children near by.
- The time is up and something needs to be done.
- Now the responsible people want to do the cleanup.
- The job needs to go on because no one wants to live around these chemicals.

**(+) Maverick H. Madison**

- He would like to show support of demolition to this building.
- It is time to do the clean up. They have been poisoned for many years.
- They had no idea what the various types of chemicals were on the site.
- The building needs to come down in order to do thorough cleanup.
- He asks the Commission to use their good judgment and show concern to the residents of this area.
- This clean up is absolutely necessary.

- There are a number of cases of asthma and breast cancer among the residents of this area.
  - (+) **Raymond Jack, Jr.**
  - His father purchased a property in this area.
  - He grew up playing in toxic substances and didn't even know it.
  - He hopes that the Commission supports the demolition of this building so that there can be toxic clean up.

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Fay, Joe, Salinas, Theogahlris

MOTION NO 16160

14. 2000.1244C (SANCHEZ: 558-6679)  
2489-2491 WASHINGTON STREET - southeast corner at Fillmore Street; Lot 022 in Assessor's Block 0612. Request for Conditional Use Authorization pursuant to Section 718.83 of the Planning Code to install a total of three antennas within one 6.25 inch wide by 57 inch high cylinder flagpole and an equipment shelter within the basement of an existing two-story, wholly commercial building, as part of Sprint PCS's wireless telecommunications network within the Upper Fillmore Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District. As per the City & County of San Francisco's Wireless Transmission Services (WTS) Facilities Sitting Guidelines the proposal is a Preference 6.  
Preliminary Recommendation: Approval with conditions

**SPEAKFR(S):**

(+) Robert Krebs – Representing Project Sponsor – Sprint PCS

- The building is entirely commercial and is located in the Upper Fillmore district.
  - Licensed professional engineer, Dane Erickson from Hammet and Erickson, is here to answer any questions.
  - The conditional use petition for this location complies with the WTS Guidelines, the San Francisco Municipal Code and the Federal Communication's Commission Radio Frequency Emissions Standards.
  - Under the WTS Guidelines, the design is visually unobtrusive since the antennas will be located inside a flagpole and the equipment will be located in the basement.
  - All sites of a high preference were considered but they were not technologically feasible or were not available for lease.
  - This installation will ensure emergency communications when LAN lines are not working. Will increase the safety for visitors and residents of San Francisco.
  - Two community outreach meetings were held. 532 owners and tenants and 6 neighborhood organizations were contacted in 3 languages. No one attended the first meeting and 3 members of the community attended the 2<sup>nd</sup> meeting.

## (-) Kate Jones – Body/Mind Movement

- She lives at "ground zero!"
  - The announcement for the installation of these antennas comes in the most un-descriptive envelope. Only someone is very diligent about opening their mail would be able to notice these communications.
  - She is a health care practitioner and is very concerned about the health hazards of these waves transmitted by these antennas.
  - There are more and more reports being published about complaints by people who have been exposed to these antennas.

(+) Sue Heston

- Is the area of coverage Sacramento to Broadway to Steiner to Buchanan – that's 15 blocks?
  - When the first hearings were held regarding antennas and the amount of antennas that would be needed to cover the city, people were saying that there would be thousands of antennas.

- If the areas of coverage of one of these antennas are 15 blocks, the density of antennas would be a lot.

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Fay, Joe, Salinas, Theoharis

**MOTION No.** 16161

15. 2001.0164T (YOUNG: 558-6346)  
ORDINANCE ADDING AN ALTERNATIVE PROCEDURE FOR CONDITIONAL USE APPEALS - Consideration of an amendment to Planning Code Section 308.1 to authorize an additional conditional use appeal procedure wherein four members of the Board of Supervisors may subscribe to a conditional use appeal. Testimony and Commission considerations could result in recommendations of modifications to the proposed legislation.

Preliminary Recommendation: Approval

**SPEAKER(S):**

**(+) Supervisor Peskin**

- He appreciates the opportunity to address the Commission on this important legislation.
- He is here to explain the legislation introduced in early February.
- He would like to thank the Department and staff for all the help on the number of issues.
- This ordinance would expand the way conditional uses are appealed to the Board of Supervisors. As staff described, it would allow 4 Supervisors to bring a conditional use appeal to bring it to the Board of Supervisors.
- He has always found that as neighborhood leader and a supervisor that the code is problematic since tenants and business owners have no recourse to appeal a conditional use under the current code.
- Opponents of this legislation have raised various questions.
- He is prepared to introduce an amendment to the Board of Supervisors that would provide a sunset clause to the legislation.
- It is important to know that he is not trying to change the super majority of the Board.
- His office is well aware of how long it takes for this legislation to become law.
- He is happy to make all of this clear so that there are no misunderstandings.

**(-) Ken Cleveland – Building Owners and Managers Association**

- This is an issue that is very big to property owners across the city.
- He agrees with President Theoharis that there is an adequate procedure going on right now. If there needs to be some tweaking of this process that's fine. But to add the ability of 4 supervisors to appeal a conditional use decision adds incredible uncertainty to a process that is already uncertain. We don't need to raise costs we need to lower costs.
- It is outrageous. The current conditional use process works. It allows input from all the residents of San Francisco.
- Enacting this would devalue the real estate.

**(+) Ann Ronce**

- She urges the Commission to support Supervisor Peskin's legislation.
- In her neighborhood, Nob Hill, thousands of people opposed a very controversial conditional use permit. Virtually none of those people were able to appeal the Commission's decision.
- Some of the abuses that the Commission is worried about exist under the current regulations.
- She is surprised to know that the Commission thinks that there is a lack of evidence.
- She would like the Commission to reconsider and approve this legislation.

**(+) Tho Do – Secretary/Treasurer of Local 2 Union**

- She is here to speak on behalf of the union and to speak on behalf of Supervisor Peskin.
- She and the Union believe that the procedure that shut out the renters and the workers who live in different areas. The union believes that they are empowering workers in the

workplace to have a voice and make changes in their working conditions. They encourage that same right in their neighborhoods and where they live.

- They encourage the Commission to acknowledge this and to pass this legislation.

**(-) Frank Notu – Golden Gate Heights Neighborhood Association**

- They have 500 dues-paying members. They are concerned that this legislation will put more power to the BOS at the expense of neighbors. They have some serious objections. Although the Supervisors might have good intentions, there are some real problems here. This legislation applies to both approvals and disapprovals.

- There was a question if this legislation was a power-grab. He doesn't see any reason for taking power from neighborhood property owners and giving it to 4 supervisors.

- A developer can come to 4 supervisors to appeal a decision. There is nothing in the legislation, which prevents this.

- He has no problems with renters and appeals.

- Neighborhood homeowners have few rights when it comes to land use decisions. He doesn't think that it's right to dilute these rights and give it to the BOS.

**(+) Jerry Crowley – President of the Telegraph Hill Dwellers Association**

- This organization has just fewer than 800 members. There are tenants, owners and business owners in the membership.

- She is here representing the entire membership.

- When conditional use authorizations are considered the code requires that it be beneficial to businesses nearby, tenants and owners. When it comes to an appeal only property owners have that option.

- She urges the Commission to consider that there must be a democratic process and have the ability to appeal.

**(+) Robert McCarthy – McCarthy and Swartz – on behalf of 450 Sutter Partners**

- Although this might come as a shock to the Commissioners but he agrees with Supervisor Peskin.

- This is an issue about due process and this is an issue about fairness.

- There are only 34 projects involved in the retroactivity.

- There should absolutely be fairness.

- Ms. Crowley mentioned it – we need democracy.

- There are projects on the list that are involved in this retroactivity that have no opposition at all.

- This is about the confidence of people.

**(+) Peter Sotos – Vice President Harsch Investments**

- They are the owners of 450 Sutter Street.

- Turner Construction is a 100-year firm, all union shop. He is very troubled about the retroactivity of the legislation.

- He was outraged about this legislation.

**(-) Joel Yodowitz – Reuben and Alter**

- San Francisco's existing conditional use process is geared to allow those most affected by conditional use authorizations those within 300 feet of a project to appeal the Commission's decision whether pro or con to the BOS.

- The proposed amendment will undercut this fundamental aspect of conditional uses, which gives the largest voice to the subject property's neighbors.

- The proposed amendment will undercut the authority of the Planning Department to consider land use and zoning matters.

- It would allow delays and uncertainties to the planning process. This would discourage development and economic growth.

- He urges the Commission to disapprove this legislation.

**(+) Alice Barkley**

- She is a renter so she has no right to sign a petition.

- She recommends that 20% of the tenants within 300 degree radius.

- Right now, an applicant who is denied by this Commission cannot go to the BOS, he has to go out and get 20%. This should be corrected so that all stakeholders have a right to it.

- She believes that the problems regarding time and energy are that it takes a lot of energy to organize something.

- Because staff and Supervisor Peskin stated that there is an amendment, the language is not before the public, a due process requires that this language be communicated.

**(+) Sue Hester**

- It is hard to represent low-income tenants and tell them they can't appeal a decision that goes against them at the Commission. She has been telling them that for the past 20 years.

- Every one of the Commissioners lives in an RH-1 and RH-2 zones. People in these zones have multiple rights.

- It is justice for people who live in renter dense areas. They can't get to the BOS.

- The policies of prop M are also in the General Plan.

- Right now it only takes one person to appeal those projects. One person with a \$100.00 fee can appeal a case to the Board of Appeals.

- She has not been able to take anything downtown to the BOS.

- She thinks it's grossly unfair.

**(+) John Bartis**

- He has seen this process over the last 30 years and sees that it works.

- Someone who is a property owner and happens to do something with his or her property can get it done.

- Who has the super right? The person who files the application?

- The Commission can make changes to the legislation from Supervisor Peskin. But he recommends that the BOS rewrite the legislation.

- He urges the Commission not to reject this.

**(+) John Barbe**

- He recently filed a conditional use that they had to gather signatures for. Though the area has a lot of absentee landlords, they almost miraculously got unanimous signatures from the owners.

- It seems appropriate to him that the tenants and the business owners have a say in the same way. He commends this legislation.

**ACTION:**

**Legislation Disapproved**

**AYES:**

**Baltimore, Chinchilla, Fay, Joe, Salinas, Theoharis**

**RESOLUTION NO.**

**16162**

16.

2001.0175T

(YOUNG: 558-6346)

**ORDINANCE ADDING REGULATIONS GOVERNING MERGER OF DWELLING UNITS**  
Consideration of Amendments to the Planning Code to add a new Section 303(h), requiring conditional use approval for the merger of dwelling units. Testimony and Commission considerations could result in recommendations of modifications to the proposed legislation.

Preliminary Recommendation: Approval

**SPEAKER(S):**

**(+) John Henry Cruz – Office of Supervisor Gonzalez**

- This legislation is something that they have taken a lead on from the Commission.

- These are things that this body usually considers: how the removal of the unit would affect the housing stock; how hardship on displacement are minimized; if replacement of the units is proposed; if the removal of the unit would bring a building to a closer conformity of the prevailing unit density; if removal of the unit is necessary to correct design or functional deficiencies; if removal of the unit is necessary to preserve or rehabilitate the structure; whether that unit is intended for the occupancy of the actual owner and/or any other criteria deemed appropriate.

**(-) Robert McCarthy**

- This caught his attention because he was here for another reason.

- He is a father of 5 children. He was able to purchase a house to accommodate his large family.
- It is very difficult to justify the proposal as currently drafted on the basis that it doesn't amount to consistency with the general plan.
- This discourages families from being able to stay in San Francisco.
- This needs to be studied further. San Francisco is a very wonderful and diverse city with many immigrant families.
- The real issue is that it's an expensive process.
- This needs a little bit more work and needs some fine-tuning.

**(-) Patricia Vaughey**

- The dialogue should be kept open on this.
- She has seen both sides of the story. She has seen someone with a lot of money Ellis Act a building and the case gets scheduled three weeks later. If a young family comes to the department to get their case before the Commission, it gets scheduled months later.
- The average cost of a house in San Francisco is \$420,000. She is very sad about this because there are a lot of people who cannot afford this.
- She has to look at both sides.
- There is an inequity with the current legislation and there is an inequity with this legislation.

**(-) Jim Cassio**

- He was introduced to the Commission in December when there was a decision made for an mandatory Discretionary Review on a dwelling unit merger. Last Monday, he was watching a Board of Supervisor's meeting and Supervisor Gonzalez spoke about dwelling unit mergers.
- What the Commission is doing about Discretionary Reviews for dwelling unit mergers is a bad idea.
- But then he thought that the Commission needs to know when units are taken off the market because of dwelling unit mergers.
- Please vote no on this legislation since he believes that the Commission has this under control.

**(-) Alice Barkley**

- She is glad that the office of Supervisor Gonzalez seems to be willing to continue this issue to study it further.
- She has a problem with this legislation since filling out conditional use applications takes an enormous amount of time.
- Homeowners should not have to hire a lawyer to come before the Commission because they have a family need.
- Most applicants that come before the Commission have a real need as far as quality of life.
- There are many items in this legislation that she needs to have explained.
- There are another criteria that are so vague that it needs to be thought about further.
- She hopes that the office of the Supervisor gives some clarification.

**(-) Brett Gladstone**

- It is interesting that he is the third permit attorney that is opposed to this legislation.
- He doesn't think that the Board of Supervisor's staff can spend the amount of time necessary for each case like Planning Department staff.

**ACTION:**      **Legislation Disapproved**

**AYES:**      **Baltimore, Chinchilla, Fay, Joe, Salinas, Theoharis**

**MOTION NO.**    **16163**

**E. SPECIAL DISCRETIONARY REVIEW HEARING**

At Approximately **7:20 PM** the Planning Commission convened into a Special Discretionary Review (DR) Hearing.

17. 2001.0198D (NIKITAS: 558-6306)  
25 RICO WAY - between Avila Street and Retiro Way, Lot 0439A in Assessor's Block 052. Request for Discretionary Review of Building Permit Application No. 2000/11/03/4794. The proposal is to demolish an existing two-story residence and construct a new three-story single-family home in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take DR and approve project as revised by the project sponsor.  
(Continued from Regular Meeting of April 26, 2001)

**SPEAKER(S):****(-) James Meyers**

- He lives on Rico Way.
- Rico Way is a street scape of 1920s Mediterranean style home.
- In Ms. Barkley's letter she included on the last page a 3-dimensional diagram, which shows the project as smaller than the other buildings. This diagram is quite misleading.
- He displayed the same diagram but drew the proposed project to scale.
- This project is a "poster child" for disruptive design.
- He displayed a map of Rico Way, which shared the homes which signed a statement of opposition or submitted statements where it stated that they were mislead by being told that the DR requestors were in agreement with the project.

**(-) Richard Dike**

- He is not here to oppose the construction but to look for a compromise on the elevator shaft.
- It is not only that it greatly obstructs their view of the Golden Gate Bridge and the Marin Headlands but it also obstructs their sunlight from the west that hits the back of the house and their yard where their children play.
- He understands about expansion since he just had some expansion done to his house.
- He would just like the elevator shaft removed.

**(-) Kelley (last name unclear)**

- She is the other neighbor mentioned in Ms. Barkley's letter.
- She doesn't believe that this construction belongs in the Marina.
- During a community meeting, the planner stated that the elevator shaft was not in contention.
- At the time the request was made, the elevator shaft had been taken out. It is her impression that the elevator shaft is an issue with all the neighbors.
- She had requested story poles so that they can prove that the elevator shaft would be an obstruction to the neighbors.
- She is a big believer that everyone should cooperate with one another since all the homes in the Marina are so close together.

**(-) Barbara Rogers**

- She is here in opposition of the proposed structure.
- She is a 25 year resident of San Francisco. Although she does not live in the Marina she works there taking care of children. Even though they are very young children, they do know that the Marina is a beautiful district.
- The design is not keeping with the guidelines.
- If this project is approved, there will be other houses that will want to follow.
- She read a letter from a neighbor who is opposed to the project and was not able to attend the hearing.

**(-) Carolyn Ganini**

- Her opposition of this construction stems from the fact that she feels in recent year much has been done to diminish the look of the Marina Gardens. It has taken away from the character of the neighborhood.
- She has seen a change in the homes, which have been allowed to go up.
- After the Loma Prieta earthquake, she had to do many alterations to her home.

- Many changes have been good since many homes have kept the façade.
- This construction is not architecturally or aesthetically acceptable.
- She would like to keep the look of Rico Way.
- The City has taken upon a project to keep the architectural heritage of the libraries.

**(-) Lois Beldochi**

- She is interested in neighborhood preservation.
- She is involved in maintaining historic sites and belongs to a preservation organization.
- She has two units on 18<sup>th</sup> Street, which runs into Market.
- She received notice that right next to that unit on 18<sup>th</sup> Street there was a large unit being built. She became tired of fighting it and the large unit went up.
- She bolted down her façade on her house in the Marina. She dreads another earthquake.
- In Spain, when you want to add to your house you must keep the façade.

**(-) Joe O'Donahue**

- Residential builders rebuilt many of the homes in the Marina.
- He has lived in the Marina and knows the sensitivity of the residents.
- This design should really be brought back to the drawing board.
- He does not mean that it needs to be exactly the way it was but it should be similar to the character of the neighborhood.

**(+) Catherine Certavitch**

- She read a letter from a neighbor who is against the project and could not attend the hearing.

**(+) Alice Barkley – Representing Project Sponsor**

- There is a photo in the case packet, which shows the whole block face. It is quite obvious that there are very diverse buildings and façades on the street.
- The design, which was revised and recommended by staff, has an additional detail. She has asked the homeowner to add another cornice line. This will be an improvement and an additional detail.
- There are two issues here; one is whether the façade is appropriate. The other issue is the penthouse.
- They chose the elevator shaft instead of a stair penthouse since a stair penthouse would be much larger and much longer. The project sponsor chose to put a circular staircase in the back even though it will be difficult to move furniture up there.
- The elevator shaft will be an impairment of the view but not a total blockage.

**(+) Louis Butler – Project Architect**

- The ceiling heights on the building are 10 feet on the top floor and over 11 feet on the main floor and 8 feet on the bottom floor.
- The building is 35 feet high. The elevator shaft is 10 feet high.
- One of the nice things about working with Ms. Barkley is that she covered all the important points.
- When soil is re-compacted on the site, it needs to be pressure grabbed and that takes a lot of machinery. It also takes a lot of machinery to build a three-foot thick floating slab. This is required because it's an unstable location.
- With respect to the façade, they have followed the code and neighborhood design guidelines to the letter.
- They looked at the buildings in the neighborhood and there was quite a variety. He feels that the building will be a nice addition to the block.
- What the Commissioners see on paper is entirely correct.

**(+) Rebecca Schumacker – Project Sponsor**

- She apologizes for being here today since she hoped she and the DR requestor could have come to an agreement.
- The so called "marina style" is not just one particular type of style.
- The Spanish tile that her neighbor is requesting to incorporate to the new construction, can be found in various neighborhoods of this City.

**(+) Patricia Schumacker**

- She read a letter from a neighbor who is in support of the construction but could not attend the hearing because of surgery.

(+) Guido Piccinini

- He came to this country in 1950 from Tuscany with his parents and sister. He is a retired restaurant owner and he and his wife are trying to have a home where they will be the rest of their lives. The idea of the elevator is because as they get older, it will become more difficult for them to climb up the stairs.
- His mother will come to live with them as well.
- He would like to clear up some misconceptions. He went door to door to show the original design to all their neighbors.
- There are many facts that have been misrepresented in the petition.
- They have a design that is within code and fits the neighborhood character. There are people here that want to design their house for them but he is putting his faith in the system and hopes that the Commission will approve his case.

**ACTION:** Continued to June 14, 2001 to revise design of façade. Public Hearing is closed but will reopened for comments on revised design only.

**AYES:** Baltimore, Chinchilla, Joe, Salinas, Theoharis

**ABSENT:** Fay

18. 2001.0192DD (SMITH: 558-6322)

240 SAN FERNANDO WAY - west side of the street between Monterey Boulevard and Darien Way, Lot 004A in Assessor's Block 3251 request for Discretionary Review of Building Permit Application No. 2000/09/25/1401, proposing to construct a one-story vertical addition, infill portions of the building footprint, and alter the front facade of an existing single-family dwelling located in a RH-1 (D) (Residential, House, One-Family, Detached) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

**SPEAKER(S):**

(-) Stephen Murphy – 1<sup>st</sup> DR Requestor

- He lives across the street from the subject house for about 8 years.
- There was list of signatures opposing the project that was not included in the packet that went to the Commissioners. This was a grievous error since the planner stated that the neighbors support this project.
- He displayed a map that shows the block where the subject property is.
- There have been various neighbors who oppose the project.
- They take great issue with this project for several reasons. He is not opposed to his neighbor constructing an addition to his house. Yet, it is not justifiable to construct an addition and double the square footage just because there was water in the basement.
- This neighborhood was designed with strict guidelines and rules.
- There are walking easements, which are wide. The houses have a variety of styles yet there is consistency. These styles include the way the entire neighborhood is structured.
- His primary objection with this construction is that his neighbor fails to take into account the consistent context of Balboa Terrace. By adding a second story on a prominent block, he is changing the character of the neighborhood.
- There are neighbors here who live in the vicinity and the architect will speak today.

(-) Stanley Markel – 2<sup>nd</sup> DR Requestor

- He lives on San Benito Way. He purchased his home in 1994. Not having an architectural background it is hard for him to explain things without architectural language.
- If one walks around in the neighborhood, one can see that there is certain similarity in all the homes in the area.
- It is the character of the neighborhood, which he would like to preserve.

- The reasons he opposes the project is that: 1) the home breaks with the adjacent homes; 2) It also breaks with the character of the area.
- There was a project in Santa Ana Street, which was different from the other homes, and stands out from the rest of the homes.
- He retained two architects just to be able to describe how the homes look in Balboa Terrace.
- Adding a second story to a home where the adjacent homes are only one story, will be an inconsistent volume and mass.

**(-) Martin Herrman**

- He owns a home on San Fernando Way. He would like to state that he has been doing construction on his home by putting foundation because of water damage. He is in full support of having construction on their homes.
- Any addition to the project sponsor's home is fine but that it falls within reason.
- Someone doubling the size of his or her house is just not right. The square footage of the home is doubling on a small lot.
- His issue is the size of the house.

**(-) Gerald Bernstein**

- He lives on San Fernando Way. He has lived at this address for 16 years. He has made minor renovation to his house with neighbor's compliments and not complaints.
- His concerns are that the house needs work but a more compatible design would be more acceptable.
- He hopes that the Commission grants a Discretionary Review or a continuance so that the design can be revised.
- The uphill houses are two stories or 1½. The downhill side are the one stories.
- The proposed change in Mr. Lee's house takes him square footage wise to be the largest house on the block.

**(-) Patty Murphy**

- She read a letter from a next-door neighbor to the project sponsor who is against the project but was not able to attend the hearing because of the short notice.

**(-) Bob Olsen**

- He lives on Balboa Terrace about three blocks away from the subject property. He is past board member of the Balboa Terrace Association so he is very much in favor of keeping the character of the neighborhood.
- His house was considered to be a one story yet the back of the house looks like a two story house.
- He chose to maintain the neighborhood character and not alienate his neighbors.

**(-) Chris McMahon - Architect**

- He lives on Eureka Street and is a licensed architect. He wrote a letter, which he submitted, to the Commissioners.
- The proposed design is the most insensitive design since it is not in keeping with the rest of the homes.

**(+) David Lee - Project Sponsor**

- He just heard all his neighbors speak and wishes he could have heard them two years ago. It is very important to him and to his family to build this addition. He understands that it is important to his neighbors as well.
- Two years ago when he acquired the property, he was aware that the house was in bad shape and that there was a stream running below the house.
- He sent letters inviting his neighbors to come to his house to sit and talk about the plans he had for his house.
- He made a presentation to the CC&R committee and they gave him an approval.
- The Balboa Terrace community has an annual meeting; two thirds of the neighbors voted these DR's applicants out of the board.
- This was difficult for him because he has gone through numerous revisions.
- Another problem he has had was to conform to Planning Department requirements. He argues and protests, because he made many revisions based on neighbor's comments. Staff mentioned to him that the design was still not in conformance.

- He does not know when this will end. When he found out all the neighbors who were opposed, he went to mediation to try to resolve the issues. He wants peace.

**(+) Michael Jones – Vice President of the Balboa Terrace Homeowners Association**

- He appreciates the comments made by the Commission regarding the letter dated January 21. The association has very limited authority over what can be done in the neighborhood. They are going to consider having more stringent authority. The letter was issued only to inform the owner that the project doesn't violate any of the deed restrictions.

- Very recently there was an effort made by a board member to mediate between the neighbors and Mr. Lee but it was not successful.

- There are homes in the neighborhood that were built in the 50s and 40s. They do want to preserve the character of the neighborhood.

- Mr. Lee has made an effort to keep the design compatible with neighboring buildings.

**(+) Yevgeniy Bogodist**

- He is a resident of San Fernando Way. His home was built in 1927. This is a very old style. He supports Mr. Lee's proposed design because old style is old style. It's ok to renovate buildings.

- Mr. Lee's house has many damaged areas.

- The neighborhood is supposed to be better. If no one improves his or her homes, it will not become a better neighborhood.

- He will also want to improve his home eventually.

- San Leandro Street has many similar buildings.

**(+) Robert Lin**

- He lives on Santa Ana Street. He is here to support Mr. Lee's project. He didn't know that everyone pointed the finger at him. When he came to this country with 3 family members. Now his family has grown so he expanded his home.

- After he built his expansion, his neighbors did not complain.

- It is a good thing to upgrade your house since we are living in an earthquake zone.

- This is a free country and everyone has to compromise. There are many large families here.

**(+) Shao Lin Kao**

- An interpreter read her letter to the Commission. She is in support of the project.

**(+) Alex Lee**

- His father is the project sponsor.

- They sent out 3 notifications to the neighbors surrounding their house.

- They have gone through 30 revisions.

- The current design of the proposed construction will not block any sunlight from their neighbors.

**(+) Eddie Chen**

- He has lived in San Francisco for about 8 years. He hears a lot of stories and finally he heard a story

- He is very angry about all the problems going on.

**1<sup>st</sup> ACTION:** Do not take DR and approve project with a requirement of Special Restrictions.

**2<sup>nd</sup> ACTION:** Action was rescinded: Take DR to revise design of building and require a Notice of Special Restrictions.

**AYES:** Baltimore, Chinchilla, Joe, Salinas

**NAYES:** Theoharis

**ABSENT:** Fay

- 19a. 2000.138DV (WANG: 558-6335)  
4038 17TH STREET - north side between Castro and Douglass Streets, Lot 011 in Assessor's Block 2623. Request of Discretionary Review of Building Demolition Permit Application No. 9814005 and Building Permit Application No. 9814006, to demolish an existing one-story over garage, single-family dwelling and construct a new three-story

over garage, three-family dwelling in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. Note: This project was previously heard by the Commission on April 6, 2000. Following public testimony, the Commission moved to continue the hearing indefinitely, so the Project Sponsor could develop a design that (1) does not require demolition of the existing structure; (2) retains a substantial portion of the front part of the Victorian house; and (3) allows three dwelling units to be constructed on the site. The revised project proposes to relocate the existing building facade both forward and at a lower elevation than the existing location, demolish the remaining structure behind the facade and construct a three-story over garage, three-family dwelling addition behind the preserved facade. The revised project would also require the justification of a rear yard variance, which will be heard by the Zoning Administrator concurrently with the discretionary review.

Preliminary Recommendation: Because the revised project has been determined to be a demolition by the Department of Building Inspection under the Building Code, it is, therefore, inconsistent with the Commission's instructions as communicated on April 6, 2000.

**SPEAKER(S):**

*Regarding Request for Continuance:*

**(+) Amanda C. Leuis - Attorney**

- She is requesting that the Commission grant a continuance so that she can become familiar with this case since she was just recently hired.
- She believes that as she becomes familiar with this case, she will be able to resolve it favorably.
- She agrees with the continuance date of June 7, 2001.

**(-) Judith Hoyem - DR Requestor**

- She would like to say that under normal circumstances the Commissioners would grant a continuance with no problem. But this is not normal circumstance since firing an attorney at the last meeting before a hearing is not a "good-faith" gesture.
- There is no evidence that the project sponsor has any good faith intentions.
- The new attorney has indicated to her that the project sponsor now wants to sit down and try to resolve the issues. This is something that she has wanted to do since the beginning.
- She would like for the project sponsor to talk to her and meet with her.

**(-) Andrew Laws**

- He came from southern Arizona for this hearing.
- He feels that this is an incredible stressful ordeal for his mother to go through.
- He would like some sort of guidelines and be done with project that does not conform.

**(-) Gustavo Cerena - Corresponding Secretary - Eureka Valley Promotion Association**

- He supports Judith Hoyem's concern that a continuance will not show any more good faith from the project sponsor.
- Many people have taken time off to come and speak today and their time should be honored.

**(-) Mark Riser - Twin Peaks East Neighborhood Association**

- He supports the request for continuance as articulated by Ms. Hoyem.
- They have been incredulous from the beginning.

**(-) Ann Ferrar**

- She just rushed here to be involved at the hearing.
- A little less than a year ago there was a hearing for the project and the Commission made a decision yet the project sponsor did not honor that decision.
- This does not seem like a very democratic process. It is hard to bring all these people again to testify.

- This is just not right.

**(-) Steve Bartoletti**

- He did not come prepared to speak.

- All of the people here have taken time out of their busy lives to come here.
- The old attorney is standing just outside of the hearing room and he is very much able to come inside and have the hearing.
- The new plans have nothing to do with what the Commission's decision was.

**ACTION:** Without Hearing. Continued to June 7, 2001  
**AYES:** Baltimore, Chinchilla, Fay, Joe, Salinas, Theoharis

- 19b. 2000.0138DV (WANG: 558-6335)  
4038 17TH STREET - north side between Castro and Douglass Streets; Lot 011 in Assessor's Block 2623 in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. REAR YARD VARIANCE SOUGHT: Subject to Discretionary Review by the Planning Commission, the current proposal is to relocate the existing building facade both forward and at a lower elevation than the existing sitting, demolish the existing one-story over garage, single-family dwelling behind the facade and construct a new three-story over garage, three-family dwelling behind the preserved facade of the existing building.

**SPEAKER(S):** See previous item.  
**ACTION:** See previous item.

#### G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) Responding to statements made or questions posed by members of the public; or
- (2) Requesting staff to report back on a matter at a subsequent meeting; or
- (3) Directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

#### **Patricia Vaughay**

*Creative Graphics from the Department*

- She has seen something in the last few weeks that has her disturbed – it's called creative graphics to the Department. She has montages, tiles, new roofs; she has seen a whole streetscape. With computer graphics, be careful. With computer graphics, be careful, because they are extremely creative. She feels very sorry because it's going to be hard to catch any differences.

**(did not state name)**

*Wawona Street*

- She owns a home on Block 2482. There was an application for a permit on a home which is touching her property and visible by her property. She has a utility pole, which is located in her property.
- There were no 311 notices. The reasoning was that the addition was within the envelope of the home.

- She believes that this construction is not permitted. In 1978 there was a permit taken out for the lower story of this home. PG&E had to reroute their lines.
- She displayed a picture of how close the utility lines are to her house.
- She has a 3R report.

Adjournment: 10:15 p.m.

**THE DRAFT MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, JUNE 21, 2001.**

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# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, May 17, 2001

1:30 PM

DOCUMENTS DEPT.

JUL 03 2001

Regular Meeting

SAN FRANCISCO  
PUBLIC LIBRARY

PRESENT: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis  
ABSENT: None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT THEOHARIS AT 1:45 p.m.

STAFF IN ATTENDANCE: Gerald G. Green, Director of Planning; Larry Badiner, Zoning Administrator; Rana Ahmadi; David Alumbaugh; Rick Crawford; Kenneth Chin; Michael Smith; Glenn Cabreros; Ben Fu; Daniel Sirois; Allison Borden; Nora Priego, Transcription Secretary; Linda Avery, Commission Secretary

### A. ITEMS PROPOSED FOR CONTINUANCE

1. 2001.0147D (NIKITAS: 558-6306)  
2645 BAKER STREET - west side between Union and Green Streets; Lot 003 in Assessor's Block 0949. Requests for Discretionary Review of Building Permit Application Nos. 2000/10/19/3483 and 2000/10/19/3487 to demolish a 3-story residence and build a new 4-story two-family home in an RH-2/40-X District.  
Preliminary recommendation: Do not take Discretionary Review and approve the project as submitted.  
(Proposed for Continuance to June 14, 2001)

SPEAKER(S): None

ACTION: Continued to June 14, 2001

AYES: Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

ABSENT: Baltimore

2. 2001.0251D (BORDEN: 558-6321)  
2935 PACIFIC AVENUE - south side of Pacific between Baker and Broderick Streets, Lot 27 in Assessor's Block 976. Staff-initiated Discretionary Review of Building Permit Application No. 2000/12/21/8481 to merge three dwelling units into two units in an RM-2 (Mixed Residential, Moderate Density) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and disapprove the building permit application.

(Proposed for Continuance to June 21, 2001)

SPEAKER(S): None

ACTION: Continued to June 21, 2001

AYES: Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

ABSENT: Baltimore

3. 2000.0173C (LIGHT: 558-6254)  
500 FRANCISCO STREET (a.k.a. 401-499 BAY STREET & 501-599 BAY STREET) - north side of Francisco Street between Mason Street and Columbus Avenue; Lot 1 in both Assessor's Blocks 42 and 43. Request for a Conditional Use Authorization of a planned unit development for approximately 360 affordable housing units, a child care center, a computer learning center, ground level retail, and small scale neighborhood-serving office space in an RM-3 (Residential, Mixed, Medium Density) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Pending  
(Proposed for Continuance to July 19, 2001)

SPEAKER(S): None

ACTION: Continued to July 19, 2001

AYES: Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

ABSENT: Baltimore

4. 2001.0261DDDD (WOLOSHYN: 558-6612)  
322 28TH AVENUE and 326 28TH AVENUE - east side between California and Clement Streets, Lots 037 and 038 in Assessor's Block 1406. Requests for four separate Discretionary Reviews (two for each lot) for permits pertaining to the tandem demolition of a single family house and reconstruction of a two-unit, three-story over garage building on each lot (Building Application Nos. 9920290 and 9920291 pertain to 322 28th Avenue, and Application Nos. 9920288 and 9920289 pertain to 326 28th Avenue) in an RH-2 (Residential House, Two-family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.  
(Proposed for Continuance to July 12, 2001)

SPEAKER(S): None

ACTION: Continued to July 12, 2001

AYES: Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

ABSENT: Baltimore

5. 2001.0242C (SANCHEZ: 558-6679)  
87 PARNASSUS AVENUE - southeast corner at Cole Street; Lot 022 in Assessor's Block 1278. Request for Conditional Use Authorization to allow the conversion of an existing nonconforming small self-service restaurant to a full-service restaurant as required per Planning Code Section 186.1(c)(3)(A) and defined in Sections 790.91 and 790.90, within an NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District.

ACTION: Project Withdrawn

6. 2000.1061E (WYCKO: 558-5972)  
400 PAUL AVENUE - bounded by Paul Avenue, Third Street, Bayshore Boulevard and railroad spur track, Lot 14 of Assessor's Block 5431A. The proposal is an **Appeal of a Preliminary Negative Declaration** for the demolition of an existing 40-foot-high warehouse/distribution building, which totals approximately 89,400 gross square feet to be replaced by a newly constructed 65-foot-high structure with 339,300 gross square feet of space for Internet and telecommunication equipment and 155 off-street parking spaces. The proposed facilities would be warehouses for telecommunication switches and operational equipment that provides data services to Internet users. The proposed project is an allowed use within M-1 District and is situated within an Industrial Protection Zone.

Preliminary Recommendation: Uphold Preliminary Negative Declaration  
(Continued from Regular Meeting of April 26, 2001)  
**(Proposed for Indefinite Continuance)**

SPEAKER(S): None

ACTION: Continued Indefinitely

AYES: Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

ABSENT: Baltimore

## B. COMMISSIONERS' QUESTIONS AND MATTERS

### 7. Commission Matters

**Commissioner Theoharis:** There is an article in today's Chronicle (5/17/01), which stated: "Red Tape Snarls Armory Conversion" and that the owners of the project have spent \$31.5 Million. She would like some clarification if the amount printed on the newspaper is just the construction costs and if there has been construction going on at the Armory. Larry Badiner, Zoning Administrator, responded that the amount stated in the paper is for purchase price and construction drawings. no actual construction has taken place.

**Commission Secretary:** There will be a group picture of the Commissioners on June 7, 2001.

**Commissioner Salinas:** Requested information on 2472 Clay Street. Allison Borden of staff will provide this information to the Commissioner.

**Commissioner Chinchilla:** Requested more information on the Smith-Kettlewell Abbreviated Institutional Master Plan.

## C. DIRECTOR'S REPORT

### 8. Director's Announcements

*New Commissioner*

The Director presented the new Commissioner, Myrna Lim, to the public and welcomed her aboard.

9. Review of Past Week's Events at the Board of Supervisors and Board of Appeals  
BOS:

*Finance Committee*

The Board did consider the request for a supplemental appropriation of approximately \$1.9 Million. They did agree with the recommendations of the Finance Committee and they did essentially authorize the appropriation of the funds. However, as recommended by the Finance Committee, they did not authorize or release the four positions that were part of that request. The Department will have to request these positions in June, when the Director talks to the Finance Committee about the full budget for the next fiscal year. Supervisor Amiano would like to talk about the budget process in one step instead of breaking it up into two separate steps.

*Legislation regarding the Conditional Use appeal procedure:*

- Supervisor Peskin amended it by stating that it would take 5 supervisors instead of 4, in order to hear an appeal. The effective date of the legislation would be February 9, 2001. The supervisors who will participate don't have to be the supervisor of that particular district.

**BOA - None**

*Building Inspection Commission*

He attended a Building Inspection Commission regarding the formation of an Unlawful Demolition Subcommittee. They are trying to deal with a portion of their code that many people, both in neighborhood groups and in the building trades, believe is unclear and unenforceable. He believes that there are a lot of people who feel that there is a problem. He has been working with members of the Building Department and with neighborhood groups and with people involved in the building trades to develop a proposal that he believes everyone can live with. This will have some impact upon the Planning Code, particularly the noticing provisions of Section 311.

10. (ALUMBAUGH: 558-6601)

Informational Presentation on Planning Department efforts to devise policies and regulations to replace the Interim Controls which are currently in place in all Industrially-Zoned Districts. These Interim Controls will expire on August 5, 2001.

**SPEAKER(S):**

**Joe O'Donaghue**

- There is a housing crisis in this city and already, we're getting a plethora of restrictions and proposed restrictions, as we saw last week at the Board of Supervisors.
- The question is this: With all this legislation, is this going to increase the supply of housing?
- Once these restrictions are in place, will the people who put these restrictions in place, stop screaming and blaming everyone else but themselves for the lack of increase in supply and for the high prices?
- There will be no more construction in this City because when Conditional Use restrictions are placed, as was done last week, it's going to increase the cost.
- It's a business unfriendly city and the most affected will be the nonprofit housing developments.

**Lu Blazej**

- He is representing Federal Express. They are here in San Francisco and have a facility at 8<sup>th</sup> and Harrison Street. They would like to build a new distribution facility in the industrial area (M-2 Zoning area) one of the areas that Director Green identified as an area to be kept as industrial.
- There isn't vacant industrial land of any significance in the City so something has to be torn down. Yet this requires a conditional use.

- This legislation would be a hardship for industrial users that want to stay in the City.

**Sue Hestor**

- Two years is along time to wait to have some areas rezoned for housing as a legal use. People have been waiting a year and nine months and apparently nothing has been done.
- One can't go from a conditional use to a permitted use or from a banned use to a permitted use without doing an EIR. An environmental review has to be done.
- Months ago, staff should have come up with a project at least to do the parts that can allow housing that hasn't had any opposition.
- Now, two months before the controls are supposed to expire, is awfully late in the process.
- She is glad that there will be hearings in June but wishes that these hearings could have been done last June or last November. It's frustrating because she feels that we won't meet the deadline.

**ACTION: Informational Presentation Only. No Action Required.****D. REGULAR CALENDAR**

11. 2000.0173E (AHMADI: 558-5966)  
NORTH BEACH HOPE IV HOUSING REDEVELOPMENT PROJECT (AKA 500 FRANCISCO STREET) - Environmental Impact Report Certification. Assessor's Block 42, Lot 1 and Assessor's Block 43, Lot 1. The project is the demolition of 13 three-story buildings containing 229 units of rental public housing units and child care facilities for 38 children, and construction of 14 three- to four-story buildings with 360 units of affordable housing, neighborhood serving ground floor retail and commercial office space, child care facilities for 38 children, and one level of below-grade parking in the Fisherman's Wharf area. The 360 units would include 229 units of rental public housing, and 131 units of rental affordable housing of which 48 would be designated for senior housing. The project would provide 404 independently accessible parking spaces. The site is approximately 200,000 square feet, bordered by Bay Street, Francisco Street, Mason Street and Columbus Avenue. The project would require a Conditional Use Authorization from the Planning Commission to permit planned unit development under Sections 303 and 304 of the Planning Code.

Please Note: The public hearing for this item is closed. The public comment period for the Draft EIR ended on April 17, 2001. The Planning Commission does not conduct public review of the Final EIR's. However, public comment on the certification may be presented to the Planning Commission.

Preliminary Recommendation: Certify EIR

**SPEAKER(S): None**

**ACTION: EIR Certified**

**AYES: Chinchilla, Fay, Joe, Salinas, Theoharis**

**ABSENT: Baltimore**

**EXCUSED: Lim**

**MOTION: 16164**

12. 2001.0150R (ASSEFA: 558-6625)  
20th STREET VACATION (aka 740 VERMONT STREET) - Consideration of a proposal to vacate a portion of 20th Street between Vermont and San Bruno Streets.

Preliminary Recommendation: Finding proposal not in conformity with the General Plan.

**SPEAKER(S): None**

**ACTION: Continued Without Hearing to May 24, 2001**

**AYES: Chinchilla, Fay, Joe, Lim, Salinas, Theoharis**

**ABSENT: Baltimore**

13. 2000.527C (CRAWFORD: 558-6358)  
1635 CALIFORNIA STREET - south side between Van Ness Avenue and Polk Street, Lot 014 in Assessor's Block 0646. Request for Conditional Use Authorization under Planning Code Sections 303, 723.21, 121.2, 723.11 and 121.1 for a nonresidential use exceeding 3,000 square feet in area and for development of a lot exceeding 10,000 square feet in area in the Polk Neighborhood Commercial district. This project is for demolition of an existing single story building, currently used as a parking garage, and construction of a 5 story over basement, 63 foot tall, mixed use building with 15,342 square feet of commercial office or retail space on the first two levels, 10 residential units on the fourth and fifth levels and 56 parking spaces in the basement and on the third level. This project lies within the Polk Neighborhood Commercial District and within the 65-A Height and Bulk District.

Preliminary Recommendation: Approval with Conditions.

**SPEAKER(S):**

**(+) Dan Sullivan – Representing Project Sponsor**

- They submitted an application which was summarized and is included in the Commissioner's packet.
- Department staff encouraged the housing in this proposal.
- He asks that the Commission approve the project.

**ACTION:** Approved as amended: 1) final material be reviewed by staff and approved by the Planning Director; 2) any proposal over 3,000 square feet would require a new Conditional Use.

**AYES:** Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

**ABSENT:** Baltimore

**MOTION:** 16165

14. 1999.885C (CHIN: 575-6897)  
679 - 24<sup>th</sup> AVENUE - northwest corner at Balboa Street; Lot 012 in Assessor's Block 1567. Request for Conditional Use Authorization pursuant to Section 209.6 of the Planning Code to install a total of three antennas and a base transceiver station on the existing Pacific Gas & Electric Substation building as part of Sprint's wireless telecommunications network in an RH-2 (Residential, Two-Family) District and a 40-X Height and Bulk District. As per the Wireless Telecommunications Guidelines, the subject site is a Preference 1.

Preliminary Recommendation: Approval with conditions

**SPEAKER(S):**

**(+) Robert Crebs – Representing Project Sponsor**

- This petition complies with the WTS siting guidelines, the San Francisco Municipal Code, and the Federal Communications Commission's RF Standards.
- The engineers have determined that this site is necessary to provide improvement in service to LAN lines, safety for residents and visitors of San Francisco, and provide a wider coverage of this area.
- There were three community meetings held and 13 people attended the first meeting, 6 people attended the second meeting and 3 people attended the third meeting.
- Notices were sent out in three languages.

**ACTION:** Approved as amended: Sponsor to continue to work with staff and design a false parapet in order to block antenna from view. If PG&E does not approve parapet, the proposal will come back before the Commission.

**AYES:** Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

**ABSENT:** Baltimore

**MOTION:** 16166

15. 2000.305C (SMITH: 558-6322)  
106-110 WEST PORTAL AVENUE (A.K.A. 101 VICENTE STREET) - northwest corner at Vicente Street; Lot 001 in Assessor's Block 2988A. Request to amend the existing Conditional Use Authorization for Motion No. 14300 under Planning Code Sections 729.53 and 729.21 to expand an existing Charles Schwab stock brokerage (classified as a Business or Professional Service) into the adjacent ground story storefront and increase the occupied floor area of the use from 2,700 square feet to 3,962 square feet, located in the West Portal Neighborhood Commercial District and 26-X Height and Bulk District.

Preliminary Recommendation: Approval with conditions

**SPEAKER(S):**

**(+) Robert McCarthy – McCarthy & Swartz - representing Charles Swabb**

- In 1997 Charles Schwab opened an office in the West Portal area.
- They have received over 1,200 signatures in support of this project.
- They are in complete conformity of the zoning requirements for this proposal.
- The need to expand is because there are more and more customers who are requesting the services of the brokers and provide confidential services to these clients. Currently brokers are meeting with clients in open cubicles.
- There is also an overwhelming support of merchants in the neighborhood.
- There are about 30 or more people here in support of this project.

**(+) Art Belingson**

- A few months ago they opposed the expansion of Charles Schwab. For a few years, they have been good neighbors.
- They provided money to their street cleaning.
- In the last 5 years, West Portal has increased its commercial retail spaces. This gives vibrancy to the neighborhood.
- West Portal is very unique. The neighbors are not closed-minded.

**(+) Fred J. Martin Jr.**

- He knows how hard the Commission works.
- He lives on the same block where Charles Schwab wants to expand.
- He believes that Schwab needs the extra space.
- Financial institutions are regular hour servicing organizations.
- He thinks that Schwab adds to their neighborhood. He tries to do everything on West Portal so that he doesn't have to get into his car.

**(+) Marie Lee**

- She is a resident of Ingleside Terrace.
- She supports the expansion of Charles Schwab.
- She remembers when her husband was very happy when Charles Schwab would be moving into the neighborhood.
- Having Charles Schwab present in this community has helped many people with their financial needs.
- Charles Schwab is very conveniently located and has convenient hours as well.
- She has been a client of Charles Schwab for many years. Their staff has always been very courteous and helpful.

**(+) Terry Durkan**

- He displayed a diagram of how the cubicles are very open and not very confidential for clients.
- The expansion would provide office space so clients would be able to have privacy.

**(+) (name unclear)**

- Since opening their office in this area, they have improved their services to the community.
- The needs of their customers have changed. Their financial needs have become complex and detailed.
- The size of their current space prohibits them from providing the best confidential financial service.

- When they first leased the space, they did not have the need to increase their staff.
  - He asks that the Commission approve their request for expansion.
  - Their customers patronize other businesses in the West Portal area.
- (+) **Suki Lee – Branch Manager of Charles Schwab**
- She supports the expansion of their office.
  - Their expansion plan is very well received by the neighborhood.
  - They have received over 1,200 signatures of customers and businesses who support their expansion.
  - They have serviced over 36,000 customers. They did a random survey and 96% indicated that they frequent other merchants while visiting Charles Schwab.
  - She hopes that the Commission will support this proposal.
- (+) **Victoria Minas**
- She has been working in West Portal for about 13 years as a hairdresser.
  - She has her own financial problems so she is a Charles Schwab customer. When she goes to this office she feels self-conscious about speaking about her financial problems and having other people listen.
  - There are a lot of elderly people living in the West Portal area who can visit this office and not have to travel all the way downtown.
- (+) **Jeffrey Eng**
- Their neighborhood association borders the West Portal neighborhood.
  - Their members frequent the West Portal Avenue shops.
  - He is here to speak as an individual and to speak as a West Portal employee.
  - His organization is frequently analyzing projects in his neighborhood and they always look to approving projects that will benefit the neighborhood. The expansion of Charles Schwab is definitely a benefit to the neighborhood.
  - He has worked at Charles Schwab for 3 years and has been very happy working there.
- (-) **Mathew Rogers – Papenhausen Hardware**
- He owns two businesses in this neighborhood.
  - His opposition is not about Charles Schwab. It is about the process and how this came about.
  - Ms. Lee contacted the West Portal Business Association about the expansion. There wasn't any community meetings or input about this expansion.
  - A community room can be built in the space where Charles Schwab wants to use but they were never given a chance to suggest it.
  - Charles Schwab needs to expand but a more creative way needs to be developed.
  - Expanding behind the current location would not lose any space that could be used for something else.
- (-) **Kathryn Claitor**
- She owns Shaws Candy Store
  - She is concerned about the loss of retail space. She feels that there should be some compromise.
  - She has a lot of people who are interested in the vacant retail space.
  - Weekend hours are her busiest days.
- (-) **Ray Doyle**
- She is opposed to the project. She agrees with what the previous speakers have said.
  - She attended a West Portal Association meeting on December 2, 1999. Brian Buckner did come and mentioned he was interested in locating on West Portal Avenue. He was told by one of the members of the association that Schwab had the locale and it was not available for anyone else.
  - Although she is not against Schwab, she would rather see a retail storefront there.
  - She doesn't agree with a store that is closed on Sunday and half day on Saturday.
  - The first floor of this locale should be vibrant; they should just move the offices on the second floor if they want privacy.

(-) Bud Wilson – Greater West Portal Association

- He would like to regress here for a second.
  - Reference has been made here to the number of vacancies on West Portal.
  - He remembers coming to the Commission within the last eight years, there was 13 vacancies on West Portal.
  - The neighborhood district controls have worked well to preserve and protect the street and the retail small business community. Now they are here trying to defend another small business location.

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

**MOTION:** 16167

**E. SPECIAL DISCRETIONARY REVIEW HEARING**

At Approximately 4:30 p.m. the Planning Commission convened into a Special Discretionary Review (DR) Hearing.

16. 2001.0253D (JONES: 558-6477)  
3868-96 NORIEGA STREET - northeast corner of Noriega Street between 46th and 47th Avenues; Lots 53, 54 and 55 in Assessor's Block 2004. Request for Discretionary Review of Building Permit Applications: 9927325, 9937326, 9937327 for the demolition of a two-story structure and the construction of three, mixed-use buildings, each containing three residential units (total 9 units) over commercial space in an NC-1 (Neighborhood Commercial Cluster District) and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

(Continued from Regular Meeting of May 10, 2001)

**Note:** On April 26, 2001, after public testimony the Commission closed the public hearing and continued the matter to May 10, 2001 instructed staff to explore finish materials for each building.

**SPEAKER(S):**

(+) Lou Blazej

- The proposed building has distinction and individuality.
  - He described the material of the exterior.
  - He displayed another project by the same architect.

**ACTION:** Took DR and instructed staff to continue to work on material and landscaping.

**AYES:** Baltimore, Chinchilla, Fay, Joe, Salinas, Theoharis

**ABSENT:** Lim

17. 2001.0141D (CABREROS: 558-6169)  
1041 LAKE STREET - south side between 11th and 12th Avenues, Lot 043 in Assessor's Block 1371. Request for Discretionary Review of Building Permit Application No. 2000/09/07/9909 proposing to extend the rear of the building and to construct two additional floors to the existing building (one-story over garage). A second story deck is also proposed within the required rear yard as permitted by the Planning Code. The proposed alteration occurs within the permitted building envelope in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and disapprove the project.

Preliminary Assessment: Vertebrate Diversity

SPEAKER(S):

- She lives next door to the proposed e-

- She lives next door to the proposed expansion.

- She received a letter and voice mail message from the project sponsor who wanted to request a continuance and meet with her to come to a compromise.
- She would support a continuance and welcome a dialog but hoped that there was enough time to review the revised plans.
- A letter was sent to the Commission requesting a continuance.
- She would like to request that this hearing be continued in order to review the revised plans and perhaps come to an agreement and/or resolution.
- The 4<sup>th</sup> floor is definitely an issue. Although there are other issues: 1) the effect that the 4<sup>th</sup> story structure would have on the trio of post 1906 cottages, 2) the affect on rear yards of the neighbors; and 3) the affect of her light and air blockage.
- Apart from San Francisco Heritage she has support from the Richmond District Association and Richmond Community Association. Every neighbor who is in the immediate vicinity is opposing the project. The appropriate way to proceed would be to see the plans and if there are no further issues to come to an agreement.

**(-) Barbara Gault**

- She lives on 12<sup>th</sup> Avenue and her house shares a back yard with the proposed construction.
- She is blessed with a beautiful view and a wonderful garden.
- These gardens create a wonderful oasis which many neighbors treasure.
- She will be commenting about the 2<sup>nd</sup> set of plans that were developed.
- Her lot is smaller than most lots and the proposed deck will come out close to her yard and create a privacy problem.
- The construction will significantly create a problem to her light and air.

**(-) Bill Sugaya - Architect**

- He was hired by the DR requestor to review the plans of the proposal.
- He served as president of the Landmarks Board many years ago.
- The changes made to the current plans do not deal with the historical significance of the building and the height of the building.
- The issue of compatibility should be taken into account.
- The proposed project is supposed to be reduced in size.

**(-) Susie Eng**

- She lives on Lake Street.
- She has lived at this house for more than 25 years. She has seen many remodels to their homes. None of the projects have been out of scale to the guidelines of the neighborhood.
- The interesting design of these cottages gives the neighborhood a distinctive look.
- The proposed construction would take away a lot of the charm of the neighborhood.
- She would like the plans to be reduced by one floor.

**(-) Racher Meyer**

- It is really important for her and her family to be able to see the green of the yards in her neighborhood.
- Privacy and mid-open space are issues to her.

**(-) Chuck Lantz**

- When he first saw the plans for this house, he determined that this is a monster home.
- He wouldn't even consider constructing something like this.
- He feels that someone is going to move in and then move out.
- He hopes that the Commission gives the neighbors time to talk to the developer.

**(-) Vince Meyer**

- He lives on Lake Street; he has lived there since 1975.
- He feels that he has been lead negatively about this project.
- A large portion of the house will be demolished so he doesn't understand why it's not considered a demolition.
- There will be loss of lighting and character of the neighborhood, and loss of time for coming to this hearing.
- The decks will definitely be a problem to their privacy.

**(-) Laura Patterson**

- She hates speaking in front of this many people but this is how strongly she feels about this.
- She feels that there is a general misconception that there is one large house after another all the way from Arguello Boulevard to Sea Cliff.
- One would find a pleasant mixed residential street with amenities not often found on larger streets.
- The larger buildings closer to Park Presidio Boulevard are typically six to eight unit apartment buildings with some smaller single-family houses.
- The block where her family lives, between 11<sup>th</sup> and 12<sup>th</sup> Avenues, is anchored with such apartment buildings.
- She believes that this project is inappropriate for the site and will be detrimental to the block.
- She is concerned that the project will block her sunlight and will have to deal with the construction, the porta potty and construction vehicles taking over parking spaces.

**(-) Deborah Jenkins**

- She has been a resident of San Francisco for 10 years. She lives on Sacramento Street but walks often on Lake Street.
- One of the unique things of Lake Street are the cottages on that block.
- Allowing a monster home to replace a little cottage will begin to destroy the uniqueness of the homes in San Francisco.

**(-) Eugenia Perez**

- She lives on 12<sup>th</sup> Avenue. The back yard of the proposed site comes to the side of her property.
- She wrote a letter, which she submitted, to the Commission expressing her opposition to the project.
- She has a very small yard.
- She has a lot of privacy in her yard but with the proposed construction she will lose that.
- A 4-story building or a 3-story building will give her the impression that she is standing next to an elevator shaft.
- Her oasis will be in full view of a 4<sup>th</sup> or 3<sup>rd</sup> floor view.
- She requests that the Commission not approve projects that demand so much space.

**(-) Michael Paulson**

- He lives on Lake Street and has lived there for 25 years.
- This neighborhood is open and light. One can walk down streets in San Francisco and see lot after lot.
- This project will become the biggest house on the block. It will be bigger than the flats. It will be bigger than the small apartment building at the other end.

**(-) Hiroshi Fukuda**

- He is a pharmacist and is a long term resident of the Richmond District.
- He purchased his house in the early 1970s.
- There was a meeting held in the neighborhood where all the neighbors who attended were very cordial and pleasant. He was very surprised because when he saw the plans, they shocked him because it was so large. He assumed that the project sponsor had a very large family or a very large extended family, but he did not.

**(-) Helen Lantz**

- She wishes the Commissioners can come to Lake Street and get an idea of what the neighborhood is really like.
- There are 3 people who live on a 2<sup>nd</sup> story flat.
- The proposed construction will create an impact on the light and air of her neighbors.
- It is not in the context of the neighborhood.

**(-) Blake Hallanan**

- She lives on 12<sup>th</sup> Avenue
- If the Commission approves this project, it will send a message to developers to build bigger.
- She urges the Commission not to approve the project.

**(+) Ana Dirkising**

- She submitted new plans to the Commission, which eliminate the 4<sup>th</sup> Story.
- She and her husband have two children and live a few blocks away from the proposed construction, which they will be living in.
- They are willing to talk to the department and eliminate the 4<sup>th</sup> floor.
- They have looked at other places for a home. They love the neighborhood so much and would like to continue living there.
- From her property line, her house already has a setback.
- She displayed a diagram of the block and lots. There are many houses that have large lot sizes.
- She is willing to eliminate the 4<sup>th</sup> floor if that is what the Commission requires.

**ACTION:** Take DR and approve project with the following amendments: 1) remove 4<sup>th</sup> floor; 2) new design should be reviewed and approved by staff.

**AYES:** Baltimore, Chinchilla, Fay, Joe, Salinas, Theoharis

**ABSENT:** Lim

18. 2001.0426D (FU: 558- 6613)

43 ELLSWORTH STREET - east side between Bernal Heights and Powhattan Boulevards, Lot 029 in Assessor's Block 5625 -- Request for Discretionary Review of Building Permit Application No. 2001/01/24/0487, proposing to remodel the interior space and extend the rear of the building to the minimum rear yard setback in a RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

**SPEAKER(S):****(-) Brian Dare – DR Requestor**

- He owns the property adjacent to the proposed project.
- He apologizes if his DR review application is not as professional and comprehensive as the Commission is accustomed to.
- The architect sent the final plans for this project to him on the very last day of the notification expiration date. He was given only one business day to review the plans and file a DR.
- He has had to stand in long lines at the Planning Department and at City Hall on the last day trying to express his concerns about this proposal.
- This proposal is a live/work loft that in his view is trendy and ultramodern.
- The entire first floor will be all glass with a triangular protrusion. There is glass from floor to ceiling.
- No one on the block or in the neighborhood has this design. The design simply is not in keeping with neighborhood character.
- It will stand out and look significantly different than anything else in the neighborhood.
- Anyone driving north on Bernal Heights Boulevard or just walking to the park at the top of the hill will stare at this building.
- At night, it will be fully lit. He believes that it will be a distraction to drivers on Bernal Heights Boulevard.
- For this reason alone, he feels that the construction should be modified. As for his concerns, he feels that the adjacent homes will feel a loss of privacy.
- He believes that a flat back wall with less glass would be more appropriate.
- The size of the windows should be reduced as well.

**(+) Mark Lindsell – Project Architect**

- He would like to address the comment made by the previous speaker about the drawings.
- It is true that there were revised drawings issued very late in the process. The only change that was made was that the neighbor's house was longer than what was shown

on the previous drawings. So the amount of extension of the proposed building was actually less. The drawing actually showed a smaller impact to the neighbor than was originally shown.

- This neighborhood has a mix of home styles.
- The neighbor has expressed concerns that the new construction will allow people to look into his backyard. People can look into his backyard right now.
- The neighbor has also expressed concerns about the deck extending too far out. The deck will not extend that much.

**(+) Jerry Lombardi – Project Sponsor**

- He took a long time to try to get his neighbors to support his project. He contacted his neighbors to his side and to the front of his house.
- Mr. Dare does not live in the property next to his house. He rents it out.
- He contacted the people who live there, showed them the plans several times, and had full support from them.
- He also contacted the people living across the street, whose view will be impacted very slightly when they raise the roof about a foot.
- He also showed the plans to the people living to the north since they would be impacted as well so he revised the plans to consider their issues.
- He received 9 letters in support of his project.
- This project will not be a live/work project. It will be a single-family house.
- Also, this is not a Victorian neighborhood. It's a mixed-use neighborhood.
- The project will only stick out 6 inches from his neighbor's house. Since the project will be located to the north so he doesn't believe that his neighbor's house will be impacted in any way.

**ACTION:** Do not take DR and approve project as proposed.

**AYES:** Baltimore, Chinchilla, Fay, Joe, Salinas, Theoharis

**ABSENT:** Lim

19. 2001.0454D (SIROIS: 558-6313)  
769-791 CASTRO STREET - east side between Liberty and 21st Streets, Lot 025 in Assessor's Block 3603. Staff-initiated Discretionary Review of Building Permit Application No. 2001/02/20/2498, proposing to merge two dwelling units into one dwelling unit in a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and disapprove the building permit application

**SPEAKER(S):**

**(+) Alice Barkley – Representing Project Sponsor**

- These units will be converted back into a family home. What the Commission is looking at is just eliminating one small unit but providing for a family's needs.
- In the last 5 years, more families have moved into the City. The problem is that it's difficult for families to move back into the City.
- There will be a family of 5 living in the combined units.
- The housing production in the past has focused on smaller units. There are simply not enough units that are suitable for families.
- In terms of density, when you look at a family of five living in what is going to be basically a three-bedroom unit versus two-single family units, the same number of people, probably more, are going to be living in this building.

**(+) Denise Ledbetter**

- They have lived in San Francisco for many years.
- They used to live in Noe Valley for many years.
- In 1999 they started the architectural drawings to expand their Noe Valley home. Because of the housing boom they realized that the expansion would be too expensive.

- They realized that they would have to rent for a few months in order to get their expansion completed.

- They decided to move and purchase the property on Castro Street. This house had originally been a single family home and would be easy to convert back to the way it was.

**(+) Joe O'Donaghue – Residential Builders**

- These people bought their home before this Commission approved the merger policy.

- This case is about retaining families in this City.

- These people were put into a fix because of our laws and they should not be punished because of these laws.

- For 60 years, this building was a single-family residence.

- Please don't drive families out of this City.

**(+/-) Sue Hestor**

- A lot of houses in San Francisco don't have central heating. Space heaters rule in San Francisco because of the climate.

- She has never lived in an apartment that had central heating.

- It's a slippery slope if you start saying that it's impossible to provide code compliant heat without going to something more elaborate.

**ACTION:** Do not take DR and approve project as proposed.

**AYES:** Baltimore, Chinchilla, Fay, Joe, Salinas, Theocharis

**ABSENT:** Lim

5:30 P.M.

**F. REGULAR CALENDAR CONTINUED**

20. 2001.03481 (BORDEN: 558-6321)

2318 FILLMORE STREET - SMITH-KETTLEWELL EYE RESEARCH INSTITUTE ABBREVIATED INSTITUTIONAL MASTER PLAN - Assessor's Block 612, Lot 19; 2209 Webster Street, Assessor's Block 612, Lot 7; 2232 Webster Street, Assessor's Block 613, Lot 28; 2238 Webster Street, Assessor's Block 613, Lot 15; 2244 Webster Street, Assessor's Block 613, Lot 16; 2250-2252 Webster Street, Assessor's Block 613, Lot 17; 2389 Washington Street, Assessor's Block 613, Lot 18; and 2472 Clay Street, Assessor's Block 612, Lot 17 -- The Planning Department received an Abbreviated Institutional Master Plan (Abbreviated IMP) for the Smith-Kettlewell Eye Research Institute (SKERI) on January 5, 2001. This Abbreviated IMP applies to SKERI'S properties, located in the Fillmore Neighborhood Commercial District (NCD), the RM-2 (Mixed Residential, Moderate Density) District, and the RH-2 (House, Two-Family) District and the 160-F and 40-X Height and Bulk Districts. All of the properties, except 2318 Fillmore, 2232 Webster, and 2472 Clay are in the Webster Street Historic District. Per the requirements of Planning Code Section 304.5, this filing was reported to the members of the Planning Commission at the April 5, 2001 hearing. At that hearing, the Commission directed staff to schedule a hearing for the receipt of public testimony on the Abbreviated IMP for May 17, 2001, due to expressed public interest.

Preliminary Recommendation: No action is required of the Commission. However, the Commission may request additional information of the Institute.

**SPEAKER(S):**

**(-) Judy Langley**

- Saving Webster Street is very important.

- There are many people here to speak on this issue yet a few had to leave because of the late hour of this hearing.

- San Francisco Historical Heritage is also here.

- Before Smith-Kettlewell moved into the neighborhood, the houses were typical Victorian houses.

- They have slowly moved into the neighborhood and have converted many of these Victorian houses into large institutional buildings.
- Building maintenance became deteriorated. They then went to the Landmarks Advisory Board and requested that these houses be restored, which some were.
- Many of the houses and their buildings have large and noisy air-conditioning equipment that are on 24 hours a day. This noisy equipment disrupts the rest of the neighbors.
- In previous reports, Smith-Kettlewell stated that they had no plans of expansion. Since then, they have taken over about 6 Victorian houses.
- This abbreviated master plan is not very accurate.
- Why do they buy these houses in the first place? What is the real reason for retaining ownership of these houses? At one point, Smith-Kettlewell stated that they needed these houses for housing for students and as short-term housing for visiting professors.
- Is Smith-Kettlewell done expanding?
- The Institute recently wrote that they want amicable relations with the neighbors. A week ago they invited the neighbors to an open house.
- When the neighbors ask to work with them, the Institute ignores them.
- We don't want to be here ten years from now asking for the houses to be restored.
- We don't want to continue to pay heavy legal fees to continue fighting the Institute.
- Real families should inhabit these houses.
- It's time to stop this fighting.

**(-) Ian Berke – Pacific Heights Residents Association**

- His association is totally opposed of this Abbreviated Master Plan. It's not even abbreviated anyway.
- Smith-Kettlewell has a history of ignoring the Commission's desires.
- The Institute argues that they can't expand--but they can buy as they please?
- An institution of 80 employees requires so much space and is unaware of the requirements?

**(-) Heidi Engelbrechten – Friends of Webster Street**

- She lives in one of the buildings in the Webster Street Historic District.
- The Smith Kettlewell Master Plan describes four of its Victorian houses. One is currently used for residential purposes and three are currently vacant and will be used for residential purposes in the future, housing staff lecturers, fellows, doctors and others as needed.
- It's sad that in San Francisco, a Victorian is not on the housing market.
- How can we be sure that once this hearing is over, they won't once again have illegal guesthouses?
- Will Smith-Kettlewell provide its own interpretation and who is going to monitor the proper residential use?
- Whether left empty or used for visitors, these houses don't contribute to a neighborhood ambiance and that's what they want to restore.
- They want real residents in these houses who contribute to the neighborly interaction of our community.
- They realized how much Smith-Kettlewell has intruded after they had a block party.

**(-) Nelson Wild – Friends of Webster Street and Webster Street Historic District**

- He has lived on Webster Street since 1972.
- He referred to the interpretation of the Planning Commission Resolution adopted in 1996 that has to do with no north expansion.
- What does it matter that the institute buy, lease or rent--it is still a violation of this resolution.
- We submit that the use of this for 30 years or more is a violation.

**(-) Bill Eddelman – Friends of Webster Street**

- He has lived in the neighborhood for many years.

- He read a letter from a neighbor who could not attend and is opposed to the project.

**(-) Mike Farrah – Office of Supervisor Newsom**

- Supervisor Newsom could not be here tonight because of a previous engagement.
- He has worked with the supervisor for many years.

- The supervisor feels that the Abbreviated Master Plan is inadequate.

**(-) Peggy Garlinghouse – Friends of Webster Street**

- She believes that this neighborhood is a wonderful neighborhood for families.
- She believes that the Commission would want to approve a neighborhood that welcomes families.

**(-) Mike Hamond – President of the Victorian Alliance**

- He is here to support the Friends of Webster Street Historic District in keeping these homes for families.
- He would also like to know what plans Smith-Kettlewell has for maintaining these homes and what specific information is planned for use of these homes if they become part of the master plan.

**(-) Beverly McCallister – Friends of Webster Street**

- She is a member of the Friends of Webster Street
- She lives adjacent to the Webster Street Historic District and she is a member of the Pacific Heights Residence Board of Directors.
- She was surprised by the remarks made by Smith-Kettlewell's legal representative that the Friends of Webster Street Historic District members were engaged in Institute bashing.
- She is happy by the positive contribution made by researchers of Smith-Kettlewell. She knows how hard researchers must work.
- She remembers that at the Planning Commission hearing in 1966, the Smith-Kettlewell representative was asked if they planned further expansion on the subject block and the answer was no.
- She believes that moving researchers into homes that are designed for residential use is not right.

**(-) Susan DuCote – Webster Street Historical Alliance**

- She lives on Washington Street. Her office and bedroom look over her yard, which is bordered with the back part of the Smith-Kettlewell Institute.
- A hospital related entity moved into a residential neighborhood and now they want to say their master plan should be extended?
- Personally, she has her suspicions of why they bought the other buildings.
- The Institute just finished a two-year construction project that was just incredibly invasive. The Institute never returns phone calls and wouldn't tell her whom to talk to regarding the construction problems until she called the Board of Supervisors.
- She hopes that the Commission will keep the Institute from encroaching in the neighborhood because it's difficult enough as it is.

**(-) Howard Schindler – Friends of Webster Street**

- He has lived all his life in San Francisco and previously lived in this neighborhood for eight years.
- His business partner has been living and renting in the neighborhood for five years and loves the neighborhood.
- He recently married and has two children. He saw an opportunity to purchase a Victorian home directly across from Smith-Kettlewell. He loves the neighborhood and the urban feel. He knew that Smith-Kettlewell was there.
- But he was shocked and never dreamed that the Victorians would possibly be torn down or used for institutional purposes.
- He would like for the Commission to have these Victorian homes remain vibrant and used for their intended use--single-family homes.

**(-) Mark Zier – Friends of Webster Street**

- He lives on Washington Street.
- The Smith-Kettlewell representatives have spoken about the Institute's longevity in the neighborhood.
- The Abbreviated Master Plan states that the Institute was formed in 1959 yet their literature states that they were formed in 1963.
- The fact that the Institute has been there a very long time, does not give them any special rights.

- The minutes of a Planning Commission hearing in 1966 stated that the neighbors were opposed to the Institute coming into the neighborhood.
- In some cases, the Institute bought the homes as owners passed away.
- She believes that the Institute is just anxiously waiting for more homeowners to pass away so that they can purchase more Victorians.
- Newcomers to the neighborhood think that they are buying a home in a residential neighborhood instead of a medical campus.

(-) **Josh Thieriot**

- He is 29 years old and he has lived in the neighborhood for 27 of those years.
- He has many fond memories of playing football in the streets when traffic permitted, doorbell ditching and trick or treating with his neighbors.
- He asks the Commission for help in preserving the neighborhood.

(-) **William Campbell – Victorian Alliance**

- He desires that the Commission return the six Victorians back to private ownership and residential.

(-) **Linda Kiouda – PHRA**

- She belongs to various neighborhood groups and has lived for 17 years in a restored Victorian.
- Smith-Kettlewell tells everyone that they have no plans for expansion so their distrust has been a factor for 35 years.

- So she apologizes for not believing in what the Institute has been saying.
- It is true, of course, that an institution will outlive all of us, so it's very important that the Planning Commission restate and reaffirm in unmistakable terms that no medical or hospital related facility of any sort be allowed beyond the boundaries of the existing master plan on Webster, Washington, Buchanan, Clay or Fillmore Streets.

(-) **Joe Dews – Friends of Webster Street**

- He lives on Washington Street.
- His house is directly adjacent to the Victorians being discussed as well as the concrete building with the lab space for Smith-Kettlewell.
- When he bought his house he knew he had a hospital behind the house. He didn't realize he was sort of encircled.
- He is very disturbed by the noise from the roof units and the light from the buildings.
- He received a notice of an appeal to a Planning commission ruling that caused him to think that there was an attempt to change zoning or permits related to the adjacent properties.
- He would like for Smith-Kettlewell to sell the houses to individuals so that families can come live in them.
- If the Institute needs to provide short-term housing for affiliated parties, they should do that with appropriate housing in an appropriately zoned location.

(-) **Sarah Morse**

- She lives on Clay Street.
- She believes that if the Board of Supervisors did pass a resolution last August, which she heard they did, that the eye Institute restore the buildings to proper residential use, that they comply with it. Proper residential use means you live there and you sleep there.

(-) **Margot Parke – PHRA**

- She is on the board of directors of the Pacific Heights Resident's Association.
- She believes that the Abbreviated Institutional Master Plan be rejected because it is uninformative.
- She would like the Commission to further reject any plans that would defacto extend an institution halfway through the Webster Street Historic District.
- She hopes that the Commission goes further than just make a decision about how much information you need from Smith-Kettlewell.

**(-) Courtney Clarkson**

- She is a member of the Pacific Heights Resident's Association.
- Over the past several years, when she sits around and listens to cases at Commission hearings, she concludes that we have a housing crisis and a housing shortage.
- Allowing these uses to continue sets a very bad precedent because if Smith-Kettlewell can get away with this, then why can't other institutions.
- She hopes that the Commission does not approve this Abbreviated Master Plan.

**(-) John Barbey**

- He is president of the Liberty Hill Association and this is sort of like a worst nightmare for someone in a historic district.
- It is fairly evident what this institution is attempting to do.
- They are slowly purchasing each of the residential units as they come on the market with probably the precise intention of overturning the historic district if they finally obtain a majority.
- He is stunned that they have actually got 20% of this district now.
- He has a very short fuse about conversion of residential to commercial.
- A hotel is not a house and an office is not a house.
- He finds it outrageous that this so-called Master Plan is just a vague two-page narrative about nothing.

**(-) Don Langley**

- Last year the Institute declared itself a separate entity from the California Pacific Medical Center.
- Robert Passmore is so closely following this case that the Planning Department routinely copies him on its letters

**(+) John Sanger**

- Unfortunately some aspects of history simply can't be reversed and that's the situation being faced.
- There is a great deal of disharmony and distrust. Now the challenge is to try to get a harmonious future.
- The Institutional Master Plan is perhaps not a terrible framework within which to work.
- Personally, as a lawyer, he believes there is no question that it satisfies the strict requirements of Section 304.5. But he is not here to do legal battle.
- If the Commissioners require more information, he is more than happy to provide it.
- The Institute is committed to not seeking any future Conditional Use authorizations. It will only use its property as permitted. It intends to seek no approvals.

**ACTION:      Informational Presentation Only. No Action Required.**

**G. PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) Responding to statements made or questions posed by members of the public; or
- (2) Requesting staff to report back on a matter at a subsequent meeting; or
- (3) Directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**Joe O'Donaghue**

- He was watching a Board of Supervisors hearing and to be honest he found the demeanor and the conclusions of Supervisor McGoldrick troubling as he tried to defame this Commission. He was also very negative about the Director.
- He felt that the Director was too nice in response to these comments.
- Supervisor McGoldrick needs to understand and learn from the history of past engagements, that if you're going to bring a Director, no matter what department, before the Board, that you at least let him know in advance what the line of questioning is going to be.

Adjournment: 9:06 p.m.

**THE DRAFT MINUTES WERE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, JUNE 28, 2001.**

**SPEAKERS:** None

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Fay, Joe, Salinas, and Theoharis

**ABSENT:** Lim



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# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

DOCUMENTS DEPT.

JUL 17 2001

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Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, May 24, 2001

1:30 PM

Regular Meeting

PRESENT: Chinchilla, Fay, Lim, Salinas, Theoharis  
ABSENT: Baltimore, Joe

THE MEETING WAS CALLED TO ORDER BY PRESIDENT THEOHARIS AT 1:40 p.m.

STAFF IN ATTENDANCE: Gerald G. Green, Director of Planning; Larry Badiner, Zoning Administrator; Amit Gosh; Dan Sider; Matt Snyder; Elizabeth Gordon; Nora Priego, Transcription Secretary; Linda Avery, Commission Secretary

### A. ITEMS PROPOSED FOR CONTINUANCE

1. 2000.1165B (BRESSANUTTI: 558-6892)  
2. HENRY ADAMS STREET - west side, between Division Street and Alameda Street; Lot 1 in Assessor's Block 3910. Request under Planning Code Sections 320-322 for project authorization of an office development consisting of the conversion of up to 49,900 square feet in an existing building (San Francisco Design Center) from wholesale design showroom space to office space. This notice shall also set forth an initial determination of the net addition of gross square feet of office space, pursuant to Planning Code Section 313.4. The subject property is located in an M-2 (Heavy Industrial) District and the Industrial Protection Zone, and a 40-X Height and Bulk District.

Preliminary Recommendation: Pending

(Continued from Regular Meeting of April 19, 2001)

(Proposed for Continuance to June 14, 2001 June 28, 2001)

SPEAKER(S) None

ACTION: Continued to June 28, 2001

AYES: Chinchilla, Fay, Lim, Salinas, Theoharis

ABSENT: Baltimore, Joe

2. 2001.0015Z (WOODS: 558-6315)  
1052 OAK STREET - north side, between Divisadero and Scott Streets, Lot 5 in Assessor's Block 1216 - Request for reclassification of a portion (approximately 3,136 square feet) of Lot 5 (a part of the Touchless Car Wash site) from NC-2 (Small-Scale Neighborhood Commercial District) to RH-3 (Residential, House, Three-Family) District. Currently, the entire lot area, approximately 4,199 square feet, of Lot 5 is zoned NC-2. This reclassification is to allow the construction of three new residential units, in accordance with Planning Commission Motion No. 16036 relating to a conditional use authorization approved on November 16, 2000 to expand the car wash.

Preliminary Recommendation: Adoption of the Draft Resolution for Reclassification.  
(Continued from Regular Meeting of May 3, 2001)  
**(Proposed for Continuance to June 21, 2001)**

**SPEAKER(S)** None  
**ACTION:** Continued to June 21, 2001  
**AYES:** Chinchilla, Fay, Lim, Salinas, Theoharis  
**ABSENT:** Baltimore, Joe

3. 2000.1190C (SANCHEZ: 558-6679)  
2801-2825 CALIFORNIA STREET - southwest corner at Divisadero Street; Lot 001 in Assessor's Block 1028 - Request for Conditional Use authorization pursuant to Section 711.83 of the Planning Code to install a total of three antennas and GPS receiver on the roof with related connection to an equipment shelter within the basement of an existing three-story, mixed-use building, as part of Sprint PCS's wireless telecommunications network within an NC-2 (Small-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District. As per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the proposal is a Preferred Location Preference 5 as it is a mixed-use building within a high-density district.
- Preliminary Recommendation: Pending  
**(Proposed for Continuance to June 21, 2001)**

**SPEAKER(S)** None  
**ACTION:** Continued to June 21, 2001  
**AYES:** Chinchilla, Fay, Lim, Salinas, Theoharis  
**ABSENT:** Baltimore, Joe

4. 2001.0150R (ASSEFA: 558-6625)  
20th STREET VACATION (aka 740 VERMONT STREET) - Consideration of a proposal to vacate a portion of 20th Street between Vermont and San Bruno Streets.
- Preliminary Recommendation: Finding proposal not in conformity with the General Plan.  
(Continued from Regular Meeting of May 17, 2001)  
**(Proposed for Continuance to June 21, 2001)**

**SPEAKER(S)** None  
**ACTION:** Continued to June 21, 2001  
**AYES:** Chinchilla, Fay, Lim, Salinas, Theoharis  
**ABSENT:** Baltimore, Joe

5. 2000.1061C (MARTIN: 558-6616)  
400 PAUL AVENUE - north side between Third Street and Bayshore Boulevard, Lot 014 in Assessor's Block 5431A. Request for a Conditional-Use Authorization to demolish an existing industrial building which has not been vacant for more than fifteen months, in an M-1 (Light Industrial) Zoning District and the Industrial Protection Zone, per Planning Commission Resolution No. 14861 and a 65-J Height and Bulk District.
- Preliminary Recommendation: Pending  
(Continued from Regular Meeting of April 24, 2001)

## (Proposed for Indefinite Continuance)

SPEAKER(S) None  
ACTION: Continued Indefinitely  
AYES: Chinchilla, Fay, Lim, Salinas, Theoharis  
ABSENT: Baltimore, Joe

6. 2000.259KXV (MILLER: 558-6344)

421 TURK STREET - south side between Hyde and Larkin Streets, Lot 17 in Assessor's Block 346 -- Request for Determination of Compliance pursuant to Section 309 with respect to a proposal to construct an eight-story apartment building with 34 affordable dwelling units, involving an exception to the rear-yard standards of the Planning Code (Section 134, *et seq.*) in a C-3-G (Downtown General Commercial) District and an 80-X Height and Bulk District. The proposed project is also the subject of a requested Variance (Case No. 2000.259XVKE) of the Planning Code standards for Dwelling-Unit Exposure (Section 140). Following Advertisement and Notification for this project, the Sponsor has proposed a reduction in units to 29 total, and a reduction in off-street parking spaces from 9 to seven, and the addition of accessory space to be used for job counseling, all within the previously submitted building envelope.

Preliminary Recommendation: Pending

(Proposed for Indefinite Continuance Continuance to June 7, 2001)

SPEAKER(S) None  
ACTION: Continued to June 7, 2001  
AYES: Chinchilla, Fay, Lim, Salinas, Theoharis  
ABSENT: Baltimore, Joe

7. 2000.259KXV (MILLER: 558-6344)

421 TURK STREET - south side between Hyde and Larkin Streets, Lot 17 in Assessor's Block 346 -dwelling-unit exposure variance sought in conjunction with the construction of an eight-story apartment building with 34 affordable dwelling units, also involving a requested exception from the rear-yard standards of the Planning Code pursuant to Code Sections 134, *et seq.*, and 309, in a C-3-G (Downtown General Commercial) District and an 80-X Height and Bulk District.

(Proposed for Indefinite Continuance Continuance to June 7, 2001)

SPEAKER(S) None  
ACTION: Continued to June 7, 2001  
AYES: Chinchilla, Fay, Lim, Salinas, Theoharis  
ABSENT: Baltimore, Joe

## B. COMMISSIONERS' QUESTIONS AND MATTERS

8. Commission Matters

**Commissioner Theoharis:** She would like for staff to contact Ms. Voughney or the Alamo Association regarding Touchless Car Wash. There have been several letters sent to her regarding conditions of approval that have not been met.

## C. DIRECTOR'S REPORT

9. Director's Announcements

*Re: Touchless Car Wash*

The Director and the Zoning Administrator will look into this matter and the letters and report to the Commission.

*Re: New Environmental Review Officer*

Ms. Hillary Gitelman left the Department a few months ago. The Director is happy to announce that the new Officer of Environmental Review will be Mr. Paul Maltzer.

## 10. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

**BOS***Re: Budget/Work Program*

- The Department's budget and work program was before the Board's Housing, Land Use and Transportation Committee.
- The issue was quite important and it required the Director, Zoning Administrator, Amit Gosh and Ms. Diane Lim who is our fiscal person, to attend to respond to questions that were raised.
- The Committee felt that it [our budget and work program] was relevant and important to discuss.
- This process is a public process so there were members of the public that were there.
- Supervisor McGoldrick had a series of questions and I (as the director) will sit with him and try to respond to these questions.
- Although it's a little premature to go through all these discussions because things change, but the amount of money we need to receive is quite important.
- When the Department knows how much revenue we will actually be granted, we will have a better understanding of whether or not we will be able to do all that the work program proposes to carry out. At that point, we can then come to the Commission and try to resolve any conflicts.
- At least 3 hours were spent on this and how the Department implements the Residential Design Guidelines.
- The hearing was an informational presentation and no action was taken. There are still people who are dissatisfied with the outcome of the hearing and expressed their frustrations about their expectations of the process.

**BOA (Isolde Wilson represented Larry Badiner at this hearing).***Re: 673 Clipper Street*

The Commission approved this residential project in Noe Valley in 1997. It was to contain 2 affordable units. Apparently these units became rental after the project was bought by someone new who had a different understanding. The original plan was for 60% of median but the outcome was 120% of median income.

*Re: Pier 39*

When this project was approved, the areas of public accessible open space were approved even though the spaces are privately owned. In 1997 the Zoning Administrator at that time approved, as a temporary use, a bungee jump concession. This issue came to the Zoning Administrator's attention as a request for a permanent bungee jump concession. He sought the advice of BCDC and they both decided that because there is a fee charged for the activity, it is not public access. Although the Zoning Administrator disagrees, the BOA decided that this was publicly accessible open space.

11. (BAUMAN: 558-6287)

The Department is releasing a background report, which will provide information needed for the upcoming revisions to the Housing (Residence) Element of the General Plan. The Element is required by the State of California, and will be completed by December 31, 2001. This report, Part I of the Housing Element, contains housing data and an evaluation of housing needs in San Francisco. The Department intends to share and discuss this information with the public and with those who shape San Francisco's

housing policy as the drafting of the Element's objective and policies proceeds. Part I is now available at the Department. Call 558-6282 to order a copy. It is also available on the Department's web site. The Commission will hold a public hearing on this information and other housing policy issues in June 2001.

**SPEAKER(S):** None  
**ACTION:** No Action Required

**D. REGULAR CALENDAR**

12. 2000.1058E (DEAN: 558-5980)  
1598 DOLORES STREET - (Reilly's Funeral Home), located at the northwest corner of Dolores and 29th Streets; Assessor's Block 6618; Lots 7, 9, 38 in Assessors Block 6618.  
**Appeal of a Preliminary Negative Declaration.** The proposed construction consists of two, four-story residential buildings with a total of 13 units (two of which would be affordable units) and demolition of an existing two-story mortuary building. The project would provide 13 off-street parking spaces. The proposed project site is 10,500 sq. ft. and is located in the NC-1 (Neighborhood Commercial Cluster) District. The project would require Conditional-Use Authorization by the City Planning Commission.  
Preliminary Recommendation: Uphold Preliminary Negative Declaration  
(Continued from Regular Meeting of May 10, 2001)

**SPEAKER(S):** None  
**ACTION:** Continued Indefinitely  
**AYES:** Chinchilla, Fay, Lim, Salinas, Theoharis  
**ABSENT:** Baltimore, Joe

13. 2000.1058C (TAM: 558-6325)  
1598 DOLORES STREET – (Reilly's Funeral Home), northwest corner of Dolores and 29th Streets; Lots 7, 9, and 38 in Assessors Block 6618. Request for Conditional Use to demolish the existing one and two-story mortuary buildings and construct two (2) new four-story, residential buildings with a total of 13 dwelling units (two of which would be affordable units) and 13 parking spaces on lots totaling approximately 10,500 square feet.  
Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of May 10, 2001)

**SPEAKER(S):** None  
**ACTION:** Continued Indefinitely  
**AYES:** Chinchilla, Fay, Lim, Salinas, Theoharis  
**ABSENT:** Baltimore, Joe

14. 2001.0005C (SIDER: 558-6697)  
224 MISSISSIPPI STREET - west side between Mariposa and 18th Streets; Lot 002 in Assessor's Block 4001. Request for Conditional Use Authorization to allow the continuation of a nonconforming light industrial use, pursuant to Planning Code Section 185(e), in an RH-2 (Residential, House, Two-Family) District with a 40-X Height and Bulk Designation. The proposal is to allow the continued occupancy of the ground floor of the subject property by a light industrial use for 20 years. No physical changes are to be made to the structure.  
Preliminary Recommendation: Pending  
(Continued from Regular Meeting of May 10, 2001)

**SPEAKER(S):**  
(+) David Silverman – Representing the Project Sponsor  
- The property was constructed in 1958

- For many years the bottom floor was used for light industrial.
- The existing use supports and is compatible with the mixed-use
- There are no windows in the building and there is no rear yard. Windows cannot be added because it would violate the building code of property line windows. There are no parking spaces and no open space.
- This warehouse was built to the lot lines.
- Granting this conditional use would continue the status quo and promote the General Plan's policy of allowing a viable, industrial firm to remain in the City.
- He is requesting the 20-year extension since this building cannot be used for residential use and would have to be torn down.

**(+) Jack Greenwood**

- He has been a resident of San Francisco for 15 years.
- He lives very close to the property site.
- He fully believes that Graphisoft should be able to stay in San Francisco.
- The owners are trying to stay in the City since most of their employees live in San Francisco.
- He hopes that the Commission approves this project otherwise Graphisoft would have to relocate to another city.
- There are about 15 people employed there.

**(+) Edmundo Vito Cruz**

- He has worked for Graphisoft for over 7 years.
- He started to search for new office space in February of 2000. His goal was to find something within their budget and in San Francisco.
- He covered over 3,000 miles in various cities surrounding San Francisco, and found out that they were up against various other companies. This was not an easy task.
- They signed the lease agreement in October on the location of Mississippi Street.
- Being in the same neighborhood, this allows them to visit the same locations and clients.

**(+) Noe Zavala**

- He has been working for Graphisoft for 5 years and is a homeowner in Potrero Hill.
- He rides his bike to work and it is very advantageous for the company to remain in the neighborhood.

**(+) Daniel Kon**

- He was just hired by Graphisoft and is very happy working there.
- He just moved to the City about 4 months ago.
- A lot of people are looking for financial stability and this company is allowing him to live in the City.
- A lot of people are in similar situations where they have to move away from the City because the company they work for is also moving away.

**ACTION:**      **Approved**

**AYES:**      **Chinchilla, Fay, Lim, Salinas, Theoharis**

**ABSENT:**      **Baltimore, Joe**

**MOTION:**      **16168**

15.

2001.0204C

(SIDER: 558-6697)

832 FOLSOM STREET - northwest side of Folsom Street between 4<sup>th</sup> and 5<sup>th</sup> Streets, being a through lot to Clementina Street, Lot 17 in Assessor's Block 3733: Request for Conditional Use Authorization to allow (1) the establishment of social service space in an RSD (Residential / Service) Mixed-Use District pursuant to Planning Code Section 815.21 and 890.50(a), (2) a special height exemption to 85 feet per Code Section 263.11, and (3) a bulk limit exception per Code Section 271, in a 40-X / 85-B Height and Bulk District. The proposal is to construct up to 1,500 new square-feet of social service space for use as administrative office space by the Salvation Army within an existing 10-story office building. The additions would enclose 1 existing terrace/deck each on the northeast and northwest sides of the 5<sup>th</sup> floor of the structure. The proposed additions would occur above the 40-foot base height limit and in excess of the "B" bulk controls.

**Preliminary Recommendation: Approval with Conditions.**

**SPEAKER(S):**

(+) Stephen Raininger

- The report given by staff was very thorough.
  - He hopes that the Commission will approve the project.
  - He thanks staff for all their help.

**ACTION:** Approved

**ACTION:** Approved  
**AYES:** Chinchilla, Fay, Jim, Salinas, Theobaris

**ABSENT:** Chinnella, Ray  
**BALTIMORE:** Joe

**MOTION:** 16169

**E. SPECIAL DISCRETIONARY REVIEW HEARING**

At Approximately **3:00 PM** the Planning Commission convened into a Special Discretionary Review (DR) Hearing to hear and act on Discretionary Review matters.

16. 2000.375D (M. SNYDER: 575-6891)  
705 UTAH STREET - a landlocked parcel bordered by parcels facing 19th Street to its north, and San Bruno Avenue to its east, Lot 14 in Assessor's Block 4076. Request for Discretionary Review of Building Permit No. 2000/02/17/2203, proposing to construct a two-unit residential building on a vacant lot, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.  
(Continued from Regular Meeting of April 12, 2001)

**SPEAKER(S):**

(-) Heather Villasenor

- (-) Heather Villaseñor
    - She would like to thank Commissioners Salinas and Theoharis for coming to a site visit.
    - There are various people here who are opposed to the project because they will be impacted from this project.
    - She believes that this site should be rezoned.
    - Many of these people are homeowners and all have made large investments in their homes.
    - The steep block on Utah Street and it will make it impossible for people to get in and out of their homes.
    - Invasion of privacy is of great concern.
    - The air quality is already terrible since these homes are located near the freeway.
    - They are worried about loosing the trees on the block.
    - Their street has 6 houses and one large office building that takes over all the parking spaces.
    - The loss of sunlight will be devastating.
    - She will have a 33-foot wall on her property line.
    - They have a petition of almost 300 residents who are opposed to this project.
    - It is not right that the whole neighborhood will suffer just because of one developer who will not even be living there.
    - There will also be an impact from heavy construction use.
    - Already it is difficult for the homeowners to get to their homes now. With the construction going on, it will be more difficult.
  - (-) Mickey Hall
    - She considers herself ground zero from both projects.
    - They are going to enclose two windows and a light well on her property.
    - The three original buildings were built in 1907.

- This project will be devastating to her and the quality of life to her and her neighbors, all for the sake of profit.
- She feels that the project has done nothing to work in conjunction with her property.
- She has pointed out to the project sponsor that the surrounding buildings are Victorian and the proposed project is very industrial.
- The project is monster construction that will replace a single-family home.

**(-) Daniel Reilly**

- He is a resident and owner on 17<sup>th</sup> Street.
- The proposed project will drastically impact the quality of life to him and his neighbors.
- The current structure is a modest size. The project sponsor wants to replace it with a building that will be twice that size. It will be more imposing.
- The wall, which will be constructed, will cast a shadow to his back yard where his children play.
- The properties on the street are harmoniously designed and located.
- This building will have decks and walls that will cause an impact on the neighbors just to maximize profits from the developer.
- This project is just too excessive.
- A compromise would be to build a 3-story building instead, and more in a Victorian style that will be more compatible with the neighborhood.
- He is not opposed to construction on this site so long as it's reasonable.

**(-) Betty Reilly**

- She lives on San Bruno Avenue.
- She has never protested any buildings of any kind going on around her but this is just above and beyond anything that could happen.
- Two homes in her back yard with decks looking into 7 backyards. Seven backyards will be affected.
- She objects to this project just being for profit.
- There are decks everywhere.
- She opposes this project and hopes that the Commission will vote to revise these plans.

**(-) Dick Millet – Potrero Boosters Association**

- He is also having a problem with this project.
- The project will just not work in this neighborhood since it's out of scale and out of character.
- The apartment building on the corner is different but this building is massive. He would like to have the penthouse removed.
- He recommends that they put up a single story cottage. The design of this building is for everyone to be up in the air.
- It is a poorly designed project.

**(-) name unclear**

- She lives on San Bruno Avenue.
- She and her neighbors come before the Commission to plead regarding this project.
- She, her roommates and neighbors are opposed to this project since it is out of scale with the neighborhood. The high buildings will block sunlight from the homes. Is it good to do this just for financial gain?
- With this building so large next to their homes, there is no more privacy.
- Would the Commissioners allow this if the project were being built near their homes?
- 19<sup>th</sup> Street is also a dead end street. In a dramatic or life threatening emergency it would be impossible for them to get through.

**(-) Don Kimball**

- He wants to be very personal about this.
- He chose to live in the neighborhood because of the type of homes and because of the sunlight that he can have.
- This project just does not fit in this neighborhood because of its strange type of design.
- The condominium will block sunlight from three windows. He uses this sunlight to warm his home.

- Due to the size and scope of the project, and the problem of accessibility of the dead end street, it would be impossible for emergency vehicles to get through.
- In order to understand fully his concerns, he invites the commissioners to come on a site visit.
- He is confident that if the Commissioners came to a site visit they would understand the impact of this building.

**(-) Marcello Bani**

- He lives on San Bruno Avenue.
- He thanks Commissioners Salinas and Theoharis for visiting this site.
- They felt that to promote fair judgment of the Discretionary Review, the visit was very important.
- The model looks nice but it is not reality. It is best to come to the site personally.
- There is an existing and very big house, which is not shown on the model.
- Instead of the yellowish blocks on the model, there are very nice Victorian houses with real people.
- The proposed project is going to have a catastrophic impact on the quality of life to him and his family as well as the community.
- As soon as the staff visited the site, there were changes done to the plans.
- He hopes that the Commissioners will vote to take both projects into Discretionary Review.

**(-) Ana Tenato**

- She lives on San Bruno Avenue
- She is not antidevelopment.
- She feels that she has a social responsibility to speak on conflicting values.
- She would like to plea for the Commissioners to reconsider both projects
- The projects impact negatively on the quality of life of the neighbors especially with light and air, which are basic ingredients for living.

**(-) Stephen Kasey**

- He lives on San Bruno Avenue.
- It actually is a little nicer than the blocks display on the model.
- He has lived on Potrero Hill for about 15 years.
- He is not opposed to construction. His neighbors directly across the street are building and trying to stay within the guidelines of the neighborhood.
- The word that comes to his mind regarding this project is "mass!"
- He is not even sure why the project sponsor can show this model since it doesn't display the correct scale of the project and the impact it will cause.

**(-) Lia Tisey**

- She lives on San Bruno Avenue.
- All her neighbors that have spoken have pretty much said it all.
- She would like to have the penthouse removed and the building to be more in character with the neighborhood.

**(-) Sharon Radich**

- She is a house sitter for Mindy Hall who has been a property owner on 19<sup>th</sup> Street for the past 11 years. She considers this her home and her community.
- There are many homes that will be greatly impacted by this construction.
- She is very passionate about protecting the integrity of surrounding homes.
- 19<sup>th</sup> Street is a narrow dead-end street a half block long that was never intended to accommodate increased traffic flow from this project.
- She will lose their window access and light coming into the house and ventilation. Air quality is important in this area since the freeway surrounds the houses.
- Their quality of life will be reduced.
- It is very difficult already to bring emergency vehicles into this street.

**(-) Ann Chavez**

- She believes that the project is too large.
- It will take away the trees.
- It will be a cause for pollution.

**(+) David Silverman – Representing Project Sponsor**

- There has been a lot of testimony, which is not correct.
- There were 5 meetings, which were scheduled, and not that many neighbors attended.
- The project sponsor has "bent over backwards" to try to meet with the neighbors.
- The Utah building is 60 feet down the slope from the homes.
- This is not a public park. The land was put up for sale.
- These are very modest sized buildings.
- The neighbors don't seem to understand that the project sponsor will own the building. The homes are not at all monster homes.

**(+) Drake – Building Designer**

- The Planning process is tiered.

**(+) Antonio Gribaski**

- This project will be a home for him and his family.
- Although his neighbors do not approve to this project, he would like to construct this home since he lives in an apartment right now with his family.

**ACTION:** Take Discretionary Review and approve a one unit building that is not to exceed 20 feet in height.

**AYES:** Chinchilla, Fay, Lim, Theoharis

**NAYES:** Salinas

**ABSENT:** Baltimore, Joe

17. 2000.360D (M. SNYDER: 575-6891)  
2311 - 19TH STREET - south side between San Bruno Avenue and Highway 101, Lot 18 in Assessor's Block 4076. Request for Discretionary Review of Building Permit No. 2000/02/29/3109 and Demolition Permit No. 2000/02/29/3108, proposing to demolish the existing single-family house and construct a new two-unit building, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

(Continues from Regular Meeting of April 12, 2001)

**SPEAKER(S): Same as those listed for item 16**

**ACTION:** Take Discretionary Review and revise project by reducing the height of the structure not to exceed 20' in height and to build only one unit.

**AYES:** Chinchilla, Fay, Lim, Salinas, Theoharis

**ABSENT:** Baltimore, Joe

18. 2000.395D (GORDON: 558-6309)  
1800 MISSION STREET - at the corner of 14th and Mission Streets, Lot 001 in Assessor's Block 3547, request for Discretionary Review of Building Permit Application No. 2000/01/05/9659, proposing the rehabilitation of City Landmark No. 108, the National Armory & Arsenal Building and conversion of the vacant site to a facility for telecommunications use in a C-M (Heavy Commercial) District and a 50-X/65-B Height and Bulk District.  
Preliminary Recommendation: Because the building permit has already been issued and is final, the Department is recommending conditions to the Board of Appeals. The Board has pending before it an appeal of the Zoning Administrator's suspension of the permit pending the Commission's hearing on the project.

**SPEAKER(S):**

**(-) Sue Hestor**

- The staff gave a very good explanation of the status of the project. She would just like to add a few points.
- Everyone has been working with very good faith.

- At the Board of Appeals, if the vote had gone against the project sponsor, they would have been put back into the conditional use process under Supervisor Maxwell's legislation.

- She feels that they could reach an agreement.

- She has been working on real sensitive issues regarding server farms and generator issues.

- They have focused on issues

- There are very serious power problems and energy demands.

- She has been focusing on issues that staff have stated are not problems.

- She wants to point out that one of the things that came about from the Board of Supervisors regarding server farms is that San Francisco is in a unique situation because there is one central line bringing in power and that line is at full capacity.

**(-) Antonio Diaz – PODER and MAC**

- Their concern is about power consumption.

- They are very concerned about the impact on the City of San Francisco and the Mission on how power is utilized.

- There has been talk about dealing with the fact that the Hunters Point Power plant is very unclean with its emissions.

- They don't want to have something come into the Mission which will cause impacts.

- The discussions taking place have been peaceful

- One of the issues is that the building should use the best commercially available energy efficient technology.

- There is an energy-offset fund set aside for the Energy Department

**(-+) Joe Boss**

- A server farm is an excellent use of the Armory.

- They went through a list of issues and indicated that they have eliminated difficulties with parking.

- How do we offset the incredible demand for power?

- In order to make this work, they came up with a scheme. The project would pay a fee after the first 3 megawatts of power has been used (which is the same amount an office building would consume). Once it reached that level, they would pay ½ of 1% of their energy bill to the Department of the Environment to fund programs to reduce energy consumption. This would end in 10 years.

- Negotiations have been good.

**(-) Sheheryar Kaoosji**

- Diesel emissions coming out of the backup generators are another matter of concern.

- The emissions will be similar to dozens of diesel buses.

- They will run all the time.

- The emissions of this and all following projects should be controlled by the air quality management guidelines.

- They want the following in order to mitigate the air quality impacts of the server farm: initial generators should be run no longer than 10 years; all generators must have traps to control emissions as much as possible; and these controls must be approved before any server farms are allowed in the City.

**(-) Erik Quesada**

- They have learned a great deal of information, especially from Supervisor Maxwell.

- Given what they have found out, they believe that their Discretionary Review is justifiable.

- They continue to look for a solution that guarantees

- At this point, their goal is to have the best, state of the art, and greenest project in their neighborhood.

- They hope they will come to an agreement.

- Their issues are reasonable.

- They want to share that they will continue to monitor and be involved in proposed server farms proposing to come into their neighborhood.

- He really hopes that the Commission will listen to what they are saying.

**(-) Ann Fishman**

- She is a resident and a worker in the Mission District.
- She is here to represent people who cannot be here.
- MAC's concerns and issues are very reasonable.
- Ignoring these issues will be very neglectful.
- There is no reason not to have clean air planning.

**(-) Chris Zelig**

- She appreciates the Commissioners listening to their proposal.
- The Environmental Offset Fund has to do with the particulars of being located in San Francisco.
- This project would use 1 percent of the entire power used for San Francisco.
- The fund would offset the total consumption of the Mission.

**(+) Michael Burk – He represents F&F Mission Technology Center LLC**

- He would like to thank Mr. Quesada, Mr. Diaz and Ms. Hestor for having had many meetings and dialogues.
- This is a fully permitted project that has paid a fully permitted price.
- The material submitted to the Commissioners shows that this project is safe and will not delay or impact the demolition of the Hunters Point Power Plant.
- Staff has addressed the issues in the DR request.
- A faulty assumption behind the energy tax proposal is that the Armory would demand 10 megawatts of power. Its actual demand would be 6 megawatts.
- Another assumption is that the Armory would come online during the current energy crisis. Tenants will not be online until 2003 and not fully until 2009—well after the energy crisis.
- Yet another assumption is that the Armory's demands would be excessive. Yes, it would be more than an office building but less than industrial.

**(+) Catherine Bizeل**

- The project sponsor has emphasized that the installation and operation of the project's standby emergency diesel generator system would comply with all applicable air quality laws and regulations.
- The project generators must be certified.
- If further mitigation is necessary to achieve the risk based performance standards, then the district will impose the requirement on a case-by-case basis.
- The sponsor will voluntarily make their generator records available to the public.
- These generators should be inspected so they can be upgraded as required.

**(+) Mike Yoshihara**

- He doesn't really have much to add, just that a project engineer is here to answer questions.

**(+) Courtney Clarkson**

- Her comments have to do with the architectural preservation aspect of the project.
- The building has been abandoned for many years.
- She was able to inspect the interior of the building with the California Heritage Council and was able to see the incredible amount of space available.
- This building is located in a very sunny part of San Francisco and no one has mentioned to install solar collectors to offset the amount of energy used. The roof is vast and would have enough space.
- A lot of effort has gone into this project.

**(+) Warren Kop – California Heritage Council**

- He would like to lift the suspension on the permit of this project.
- He would like to bring this building back to something usable.
- The building has passed permit requirements.

**(+) Winchel Hayward**

- He has been a resident of San Francisco for about 50 years.
- He has admired the Armory for many years.
- He is in support of having this use approved.
- The changes will be very minimal to that area, if anything, it will help the area.

- This project offers the best that we could ever have.

(+) James Kieffer

- He has lived in the Mission for many years.
- The project sponsor has put a lot of work and money into this project.
- Does this electricity problem impose a tax on energy consumption?
- He has seen in the Mission that the real problem is the gentrification of the Mission.
- The project sponsor has already given a lot.

(+) Al Lopez

- He is happy to see that the Armory is finally going to come to some conclusion.
- He thanks Sue Hestor for her energy and trying to come to an agreement.
- The armory is a wonderful building. He is all for preservation.
- He wants to see harmony between the developers

(+) Louis Loyal

- He was born in San Francisco and his family has been here for three generations.
- This project deserves to be restored for something useful.

(+) Jules Lavagi

- His family has been in San Francisco for three generations.
- He lives here and pays his taxes here.
- This is an opportunity to upgrade the district

(+) Keith Williams

- He has lived in the Mission District for 11 years.
- He would like to have the suspension on the Armory lifted.

**ACTION:** Approved Lifting the Suspension

**AYES:** Chinchilla, Fay, Lim, Salinas, Theoharis

**ABSENT:** Baltimore, Joe

## G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**Sue Hestor**

*Re: Smith-Kettlewell Report*

- She would like to know if the Smith-Kettlewell matter would be reported on next week? She will not be able to attend the hearing next week.

**Courtney Clarkson – Pacific Heights Board of Directors**

*Re: Illegal parking on alleyways.*

- She has noticed that some people who have houses that face a major street and back onto an alleyway have been paving over their yards and are parking their cars illegally.
- She would like to know if it's worth her while to investigate this further and report to the Zoning Administrator.
- Does the ZA have any examples?

Adjournment: 6:23 p.m.

**THE DRAFT MINUTES WERE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, JULY 12, 2001.**

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# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Board of Supervisors Chamber - Room 250  
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, May 25, 2000

**1:00 PM**

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### Regular Meeting

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PRESENT: Theoharis, Chinchilla, Richardson, Antenore  
ABSENT: Mills, Joe, Martin

THE MEETING WAS CALLED TO ORDER BY PRESIDENT THEOHARIS AT 1:15 P.M.

STAFF IN ATTENDANCE: Gerald G. Green - Director of Planning, Larry Badiner - Zoning Administrator, Hillary Gitelman; Paul Lord, John Billovits, Ricardo Bressanutti, Timothy Blomgren, Matthew Snyder; Jonathan Purvis; Linda D. Avery - Commission Secretary.

AT APPROXIMATELY 2:00 P.M. THE PLANNING COMMISSION WILL RECESS ITS REGULAR HEARING TO CONVENE SPECIAL JOINT HEARING WITH THE SAN FRANCISCO RECREATION AND PARK COMMISSION. THE PLANNING COMMISSION WILL RECONVENE ITS REGULAR MEETING AT THE CONCLUSION OF THE SPECIAL JOINT HEARING.

A. ITEMS PROPOSED FOR CONTINUANCE

1. 2000.023C (LeBLANC: 558-6351)  
1731 - 1741 POWELL STREET, on the west side at Columbus Avenue; Lot 004 in Assessor's Block 0101 -- Request for Conditional Use authorization to:(1) operate a live theater, (2) a bar and (3) a use exceeding 2,000 square feet in the building previously known as the Pagoda Theater in the North Beach Neighborhood Commercial District and a 40X Height and Bulk District.  
Preliminary Recommendation: Approval with conditions.  
(Proposed for Continuance to June 1, 2000)

SPEAKER(S): None



ACTION: **Continued as proposed.**  
AYES: **Theoharis, Chinchilla, Richardson, Antenore**  
ABSENT: **Mills, Joe, Martin**

2. 1999.684D (WILSON: 558-6602)  
129 RANDALL STREET, south side between Whitney and Chenery Streets, Lot 038 in Assessor's Block 6663 -- Request for Discretionary Review of BPA No. 9911578, proposing to demolish the existing building and construct a new two-unit building in a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District. Preliminary Recommendation: Do not take Discretionary Review, approve project.  
(Continued from Regular Meeting of April 27, 2000).  
**(Proposed for Continuance to June 15, 2000)**

SPEAKER(S): **None**  
ACTION: **Continued as proposed.**  
AYES: **Theoharis, Chinchilla, Richardson, Antenore**  
ABSENT: **Mills, Joe, Martin**

3. 2000.216C (KIM: 558-6290)  
510-520 FREDERICK STREET, northwest corner at Frederick and Stanyan Streets; Lot 006 in Assessor's Block 1263 - Request for Conditional Use authorization to allow the installation of two panel antennas and an interior equipment shelter in the basement of an existing mixed-use building as part of a wireless telecommunication network, pursuant to Planning Code Section 710.83, in an NC-1 (Neighborhood Commercial Cluster District) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Approval with conditions.  
**(Proposed for Continuance to June 15, 2000)**

SPEAKER(S): **None**  
ACTION: **Continued as proposed.**  
AYES: **Theoharis, Chinchilla, Richardson, Antenore**  
ABSENT: **Mills, Joe, Martin**

## B. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President or chairperson may continue Public Comment to another time during the meeting.

"The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))



**SPEAKER(S):****Laura Trippeli** - Chairperson of the Ocean Beach Task Force

- This organization is a Mayoral appointed task force created in March of 2000.
- The purpose is to bring together the various groups, agencies and individuals that care about Ocean Beach and address issues and provide recommendations to key decision makers.
- The Task Force is requesting that the Planning Commission direct the Planning Department to assign a staff member to attend their meetings.
- She would like to request that a staff member of the Planing Department attend a June 7, 2000 quarterly task force meeting to make a presentation about the Western Shoreline Plan which will be held at City Hall.

**C. COMMISSIONERS' QUESTIONS AND MATTERS**

4. Consideration of Adoption - draft minutes of 5/11/00.

**ACTION:**      **Approved****AYES:**      **Theoharis, Chinchilla, Richardson, Antenore****ABSENT:**      **Mills, Joe, Martin**

5. Commission Matters

**None****D. DIRECTOR'S REPORT**

6. Director's Announcements.

Commissioner Chinchilla requested a report be provided to the Commission on the Affordable Housing Fund (i.e. how much revenue has been generated from the decisions the Commission has made, how has that money been directed, how many units and who is occupying these units). July 13, 2000 is the date selected to present this information to the Commission.

7. Review of Past Week's Events at the Board of Supervisors & Board of Appeals.

**BOS****None****BOA**

- Sutro Tower - installation of an antenna - Zoning Administrator decision upheld +5-0 - There will be a DR hearing in the near future.
- 2910 Pacific Avenue - upheld decision of the Planning Commission +5-0.

8. **175 170 Brewster Street Status Report**

- This item was raised in Public Comment by Mr. Terry Milne at the Commission Hearing of May 18, 2000. It was related to a change during construction without the Department or the neighborhood knowing about it.
- The situation was as follows: after the building permit was issued, the owner came back with the permit to the Planning Information Counter. The changes were reviewed by the original planner who then reviewed the changes and in his opinion thought that it was an appropriate design for the neighborhood. Perhaps he should have sent it back to the Bernal Heights East Slope Association. The building inspector noticed there was a difference in materials being used and put a stop to the construction. It was a good thing that Mr. Milne



came to the Commission to voice his concern.

- A report on this item will be presented to the Commission on July 13, 2000 under Director's Comments.

## E. REGULAR CALENDAR

9. 2000.378T (LORD/BILLOVITS: 558-6311/558-6390)  
SECTION 161J FINDINGS FOR PARKING REDUCTIONS IN NEIGHBORHOOD COMMERCIAL DISTRICTS. Consideration of a proposal to initiate an amendment to Section 161(j) of the Planning Code adding compatibility findings to the consideration of conditional use applications for off-street parking reductions for dwelling units in neighborhood commercial districts.  
Preliminary Recommendation: Approve resolution initiating text amendment and scheduling a public hearing on the recommendation of adoption to the Board of Supervisors for July 6, 2000.
- SPEAKER(S): None  
ACTION: Approved  
AYES: Theoharis, Chinchilla, Richardson, Antenore  
ABSENT: Mills, Martin, Joe  
RESOLUTION NO. 15065
10. 2000.379T (LORD/BILLOVITS: 558-6311/558-6390)  
SECTION 303(C)(5) "IN LIEU" FOR ENTERTAINMENT USES IN NEIGHBORHOOD COMMERCIAL DISTRICTS. Consideration of a proposal to initiate an amendment to Section 303(c)(5)(A) to provide for full consideration by the Planning Commission of all standard conditional use findings of Section 303(c)(1-4) when making findings on a conditional use application for movie theaters, adult entertainment and other entertainment uses in neighborhood districts.  
Preliminary Recommendation: Approve resolution initiating text amendment and scheduling a public hearing on the recommendation of adoption to the Board of Supervisors for July 6, 2000.
- SPEAKER(S): None  
ACTION: Approved  
AYES: Theoharis, Chinchilla, Richardson, Antenore  
ABSENT: Mills, Martin, Joe  
RESOLUTION NO. 15066
11. 1999.668E (BLOMGREN: 558-5979)  
38-44 TEHAMA STREET/543 HOWARD STREET, Appeal of a Preliminary Negative Declaration--Assessor's Block 3736, Lot 111. The proposed project involves improvements to a three story building and construction of 23,000 square feet on the fourth and mezzanine levels. The renovated and new space is proposed for office use. With construction of the additional story and mezzanine level, the building would be approximately 64 feet, 22 feet taller than the existing structure. The 14,500 square-foot project site is composed of one lot in the middle of a block bordered by Howard Street to the north, First Street to the east, Tehama Street to the south, and Second Street to the west. The site has frontages on Howard and Tehama Streets. The proposed renovated and enlarged building would contain approximately 73,000 gross square feet (gsf). The structure would not provide off-street



parking. The project would also include two off-street freight loading spaces.  
Preliminary Recommendation: Uphold Negative Declaration  
(Continued from Regular Meeting of May 11, 2000)

## SPEAKER(S):

## (-) Sue Hestor - San Franciscans for a Reasonable Growth

- This building is being marketed for Internet technology and multimedia companies.
- What are the cumulative displacement problems with this kind of development?
- She would like Commissioners to obtain the full information.
- She would like the Department to move on the issue of the Internet technology sector to get some basic environmental information. Therefore, the public can get information about how much of this is happening, where it is happening, who is being displaced, the cumulative amount of development and the cumulative amount of displacement.

## (+ ) Andrew Junius - Reuben &amp; Alter

- Represents Gordon Development - project sponsor.
- The Planning Department has thoroughly and meticulously responded to each of the issues of the appellant.
- This is an office project in a downtown office special development district.
- It will be considered under the Proposition Small Office Pool and Allocation. The project will pay all of the required development fees required under the Planning Code, including affordable housing, child care and transit impact.
- The potential tenants for this building will be Internet, technology based companies.

## (+ ) Joe O' Donaghue - Residential Builders

- There are many companies that want to invest in San Francisco.
- He believes that we should give an opportunity for these companies to come to San Francisco and invest which would be good for the San Francisco economy.

ACTION: **Uphold Negative Declaration**AYES: **Theoharis, Chinchilla, Richardson, Antenore**ABSENT: **Mills, Martin, Joe**MOTION NO. **15067**

12. 1999.746C (BRESSANUTTI: 575-6892)  
360-10TH STREET, west side between Folsom Street and Harrison Street; Lot 9 in Assessor's Block 3520 - Request for Conditional Use Authorization to allow the demolition of two dwelling units per Planning Code Section 803.5(b) and 233(a) and to allow construction of six new live/work units in the Industrial Protection Zone across the street from the Mixed Use Housing Zone per Planning Commission Resolution No. 14861, in the South of Market Service/Light Industrial/Residential (SLR)Mixed Use District and a 50-X Height and Bulk District.

Preliminary Recommendation: Approval with conditions.  
(Continued from Regular Meeting of May 11, 2000)

## SPEAKER(S):

## Joe LaTorre - Mayors Office of Housing - Planning and Monitoring Director

- There are two questions that the Commission needs to consider: what policies and guidelines are applicable to the project and how these guidelines and policies will be applied.
- The primary conclusion is that it would be necessary to gather more information



before determining whether a demolition meets the guidelines.

- The MOH would be able to make this determination, they would be able to provide this within ten days of receiving additional information.
- The first determination that needs to be made is weather the cost of rehabilitation exceeds the cost of replacement housing.
- The second determination which needs to be made is weather the actions of the owner or any previous owner caused the property to be uninhabitable through the neglect of maintenance.

**(-) John Elberling**

- He would like Commissioners to adopt the items on the report of May 5,2000.
- If the Commission believes in affordable housing then why have certain projects been ignored.
- This City needs affordable housing.

**(-) Sue Hestor - Speaking on behalf of SIJA**

- The staff report is very troubling.
- The resolution is Planning Commission policy.
- The loss of housing in the low income communities is critical.
- DBI is more concerned about processing and approving permits than caring about affordable housing.

**(-) Ken Fujioka - Asian Law Caucus- Chinatown Community Development Center**

- They are very concerned about the implications about the staff recommendations for this project.
- This could result in implications throughout the City.
- The troubling part of this project is to demolish affordable housing and replace it with another form of more expensive housing.
- The issue here is that if a property owner ignores repairs to a building then it appears that they are rewarded.
- There is enormous replacement pressure.
- Live/work housing is not replacement housing.

**(-) Brad Paul**

- Past Director of the Mayors Office of Housing
- He is concerned with the precedent that this project is setting, what qualifies as replacement housing, and what guidelines should be set in setting the fee.
- Live/work is not the same as affordable housing.
- The cost of rehabilitation must exceed the cost of replacement housing.
- Quoting from the representative of MOH, he stated that if they were asked, they would need more information to make that determination, which means that they haven't been asked.
- It's very difficult for a family to live in live/work. Therefore, it's not really replacement housing.

**(-) Kelly Cullen - Franciscan Brother - works in the tenderloin for 19 years**

- He is currently the director of Tenderloin Neighborhood Development Corp.
- This is a major housing issue. Live/work does not qualify as affordable housing.
- He joins with other people to voice their opinion that there should be no demolition until further investigation is made.

**(-) Kevin Donahue**

- The burden should not be put on an individual land owner.

**(+) Alice Barkely**

- It is up to the commission whether they want to apply the guidelines. It is the Commission's discretion to do that.
- Guidelines should be looked at on a case-by-case basis.
- The property was unoccupied for 11 years because of damage from the Loma



Prieta earthquake.

**(-) Joe Donahue - Residential Builders**

- The real issue is the lack of low cost housing. It's not the lack of affordable housing.
- They have been able to build and provide a lot of money for the school district.

**Commissioner Chinchilla**

The suggestion would be to modify and require that this project at all times have a live component to it. That this project cannot be strictly for commercial use. That way part of this project would be housing. If this project was a sound affordable housing, then the situation would be different.

ACTION: **Intent to approve with Commissioner Chinchilla's amendments:  
The suggestion would be to modify and require that this project at all times have a live component to it. That this project cannot be strictly for commercial use. That way part of this project would be housing.  
Failed +3-1 (Commissioner Antenore voting no).**

AYES: Theoharis, Chinchilla, Richardson

NAYES: Antenore

ABSENT: Mills, Joe, Martin

ACTION: **Motion to continue to July 13, 2000**

AYES: Theoharis, Chinchilla, Richardson, Antenore

ABSENT: Mills, Joe, Martin

13. **99.688CV** (PURVIS: 558-6354)  
321 POTRERO AVENUE, east side between 16th and 17th Streets; Lot 19 in Assessor's Block 3961: Request for Conditional Use Authorization under Planning Commission Resolution No. 14861 to permit conversion of two commercial buildings into four live/work units at the rear of the subject lot. The site is within an M-1 (Light Industrial) District with a 40-X Height and Bulk Designation and is within the Interim IPZ (Industrial Protection Zone) Buffer. A request for a Rear Yard Variance for this project will be heard by the Zoning Administrator. Preliminary Recommendation: Approval with conditions

**SPEAKER(S):**

**Judy West - Project Sponsor**

- There are art spaces towards the back of the property.
- The art spaces enhance the property.
- There is an existing commercial building, they would like to maintain the building as a commercial building.
- She would like to have a flexible plan where certain parts of the building remain as commercial and other as housing.

**(+) Simone Jensen - Sculptor**

- She supports the project because there is a lack of space where people can live and work.
- It is important to keep live/work buildings in the City.

**(+) Camila Aguilar - Artists**

- There is a large burden for artists who are not quite profitable with their art therefore these projects enable these artists to live and work in the same place.
- A lot of artists need this space for living and working.



ACTION: **Approve with staff recommendations**  
AYES: **Theoharis, Chinchilla, Richardson, Antenore**  
ABSENT: **Mills, Joe, Martin**  
MOTION NO: **15068**

14. **99.688CV:** (PURVIS: 558-6354)  
**321 POTRERO AVENUE**, east side between 16th and 17th Streets; Lot 19 in Assessor's Block 3961: Request for a Rear Yard Variance under Section 134(a)(1) of the Planning Code for a vertical expansion of a non-complying rear building. The second story of the subject rear building is within the required rear yard with respect to dwelling units at the front of the subject lot. The site is within an M-1 (Light Industrial) District with a 40-X Height and Bulk Designation and is within the Interim IPZ (Industrial Protection Zone) Buffer. This item will be heard by the Zoning Administrator.

Preliminary Recommendation: Approval with conditions

**Larry Badiner - Zoning Administrator**

Staff recommendation is for incorporating conditions. The second portion of condition A, reading: "because the total commercial space is less than 5,000 sf, no additional parking." - this item should be struck. If there is a conversion, staff will examine it at that time whether parking is required or not. The variance will be taken under advisement. There is residential in the front of the project, if there wasn't any residential in the front, there would be no rear yard requirement therefore the owner would be able to build the envelope that they want without any variance. The fact that there is residential in the front and commercial in the back. The variance will be taken under advisement and a determination letter will be issued in the near future.

15. **1999.893C** (M. SNYDER: 575-6891)  
**114 7TH STREET**, southwest corner of 7th and Mission Streets, Lot 1 in Assessor's Block 3727, commonly known as Hotel Britton - Request for Conditional Use authorization under Planning Code Section 816.73 and 227(h) to install two panel antennas at the base of the roof's flagpole approximately 66.5-feet above grade, and to install a base transceiver station in a storage area in the adjacent covered parking area, in an SLR District and a 65-X Height and Bulk District. The installation of the antennas and related equipment would be part of a wireless communication network operated by Sprint PCS.

Preliminary Recommendation: Approval with conditions.

SPEAKER(S): **None**  
ACTION: **Without hearing, continued to June 22, 2000**  
AYES: **Theoharis, Chinchilla, Richardson, Antenore**  
ABSENT: **Mills, Joe, Martin**

16. **1999.830C** (M. SNYDER: 575-6891)  
**588 SOUTH VAN NESS AVENUE**, west side between 16th and 17th Streets, Lot 6 in Assessor's Block 3570 -- Request for Conditional Use authorization to construct 11 live/work units on a vacant lot in a C-M (Heavy Commercial Use) District, a 50-X Height and Bulk District, and a Mixed-Use Housing Buffer Zone. As proposed, the 16,899 square foot project would include four stories plus two mezzanine levels and would be approximately 50-feet in height. The project would also include 11 off-street parking spaces and one loading space.

Preliminary Recommendation: Approval with conditions.

**(+) Sherrie Chow - Project Sponsor**



- This project makes for an ideal solution between the residential and the commercial surrounding properties. It would incorporate residential, commercial and residential occupancy in a live/work usage.
- Would like staff to be more design sensitive.

**(+) Joe O'Donaghue - Residential Builders**

- This live/work proposal is a good transition into a buffer zone.

**(-) Sue Hestor - San Franciscans for a Reasonable Growth**

- 1 year ago they started the process of adopting inner guidelines which expire in November.
- This area is for affordable housing.
- There will be 11 units at 100% market rate housing.

**(+) Alice Barkely**

- This project complies with the criteria of the code.
- The Commission, during lengthy hearings when they adopted the interim controls, debated the issue of affordable housing for two years.
- It is the legislative judgement by the Planning Commission and the Supervisors that live/work in this case is exempted from the affordable inclusionary requirements.

ACTION:

**Approved**

AYES:

**Theoharis, Chinchilla, Richardson, Antenore**

ABSENT:

**Mills, Joe, Martin**

MOTION NO.:

**15069**

17.

2000.186C

(JONES: 558-6291)

1515 19TH AVENUE, west side of 19th Avenue between Kirkham and Lawton Streets; Lot 004 in Assessor's Block 1865 -- Request for a Conditional Use authorization pursuant to Section 209.6 of the Planning Code to install a total of 9 panel antennas on the roof parapet and an equipment cabinet on the rooftop of the existing telecommunications facility building (Pacific Bell Central Office) as part of a wireless telecommunication network in the RH-2 (Residential, Two Family) District and a 40 - X Height and Bulk District.

Preliminary Recommendation: Approval with conditions.

SPEAKER(S):

**Robert McCarthy - McCarthy and Swartz - Representing Project Sponsor**

- The building where these antennas will be installed is a Pacific Bell building.
- There was one person who lives near by who had concerns about health risks.

ACTION:

**Approved as recommended**

AYES:

**Theoharis, Chinchilla, Richardson, Antenore**

ABSENT:

**Mills, Joe, Martin**

MOTION NO.:

**15070**

18.

2000.322C

(WILSON: 558-6602)

212 STOCKTON STREET, northeast corner of Stockton and Geary Streets; Lot 11 in Assessor's Block 309 - Request for a Conditional Use authorization to allow conversion of the sixth floor retail space to office use, under Planning Code Section 219(c), within a C-3-R (Downtown Retail) District, the Kearny-Market-Mason-Sutter Conservation District, and a 80-130-F Height and Bulk District.

Preliminary Recommendation: Approval with conditions.



**SPEAKER(S):**

Robert McCarthy - McCarthy and Swartz - Representing Project Sponsor

- The project was originally approved prior to the adoption of Prop M. It has a basement, 4 stories of retail, and the 5th, 6th and 7th stories to be office space.
  - The project sponsor had leased the 6th floor to retail. The retail tenant has decided that there wasn't enough foot traffic therefore has vacated.
  - An office tenant has been located, therefore, staff has recommended to come back before the Commission for re-authorization.

(+) Sue Hestor - San Franciscans for Reasonable Growth

- She has no problems with this project.

(+) William Liebermann

- proposed tenant and would love to move into this building.

ACTION: Approved as recommended by staff

AYES: Theoharis, Chinchilla, Richardson, Antenore

**ABSENT:** Mills, Joe Martin

ABSENT: None,  
MOTION No.: 15071

19. 98.324C (BEATTY: 558-6163)  
897 CALIFORNIA STREET, southeast corner of California and Powell Streets, Lot 16 in Assessor's Block 256-- Request for Conditional Use Authorization to construct a new residential building containing 9 dwelling units and 12 parking spaces above a height of 40 feet in an RM-4 District and a 65-A Height and Bulk District.  
Preliminary Recommendation: Approval with conditions.

**SPEAKER(S):**

(+) Andrew Junius - Reuben & Alter - Representative of Project Sponsor

- There were a number of projects approved on this site.
  - This is a 6-story condominium project.

(+) Ted Eden - Project Architect

- It is designed as a renaissance Italian architectural building that is designed to fit in with the other buildings

#### (-) Enid Lim - Nob Hill Neighbors

- She and other residents formed to make sure that projects that were approved for the "hill".
  - There were other projects that were fought to be approved.
  - She only heard about this project a few days before this hearing.
  - There are a lot of people that haven't been notified about this project.
  - The site where this construction will be is a site where there are two cable car lines that intersect.
  - Not knowing a lot of the details about this project, it is hard for residents to express their comments.
  - Would like to have a time for the community to talk to developers and ask questions and pose their concerns.

(-) Cecilia Estolano - Gibson, Dunn and Crutcher

- Represents the Stanford Hotel.
  - The project does not meet the requirements of Section 303.
  - The proposed height and massing will be detrimental to the convenience and general welfare to the persons working and living in the vicinity.
  - An alternative could be to redesign the building.



- Would like to have this item continued to give the community time to meet with the developer and discuss issues.

(-) Sue Hestor - Representing Stanford Court

- There wasn't an environmental document done.
  - There is no opposition because people did not know about this

(+) Joe Donahue - Residential Builders

- This permit was applied for in 1998. Neighbors were notified twice.
  - Neighbors are wealthy neighbors.
  - Stanford Court Hotel knew about this project.
  - There is an inconsistency in regards to the approach.
  - This is a 100% union job.
  - This project needs to move on since it has been two years that it has been proposed.

**ACTION:** Approved

AYES: Theoharis, Chinchilla, Richardson, Antenore

**ABSENT:** Mills, Joe, Martin

ABSENT: MHS,  
MOTION NO.: 15072

20. 2000.297C (DIBARTOLO: 558-6291)  
1409 POLK STREET west side between California and Pine Streets; Lot 04 in Assessor's Block 646: --Request for Conditional Use authorization under Section 723.42 of the Planning Code to allow a Full-Service Restaurant in the Polk Street Neighborhood Commercial District (NCD) and a 80-A Height and Bulk District.  
Preliminary Recommendation: Approval with conditions

**SPEAKER(S):**

(+) Michael Kimivae - Project Sponsor

- He was forced to leave the location because he lost his lease.
  - He found another space 2 1/2 blocks from the current location
  - He wants to open his restaurant there.

(+) Joe O'Donaghue - Residential Builders

- Polk is one of those areas that needs as much change as possible.
  - He has eaten at the project sponsor's restaurant.
  - Would like to have the project approved.

(-) Eva Charles - Owns a Diner on Polk Street

- She is a business owner of about 13 years, she knows that owning a business in San Francisco is a privilege and not a right.
  - Foot traffic is vital for the businesses on Polk Street.
  - There is not a variety of stores on Polk Street. There are more restaurants there.

(-) Vahid Scandarian - Owns a Pizza Restaurant

- Having another restaurant will make traffic worse.
  - Polk street needs more retail stores.

(-) Speakers name not available

- She is a resident on Polk Street for many years.
  - There are too many restaurant businesses on Polk Street already.
  - Polk street should be made into a shoppers paradise.

(-) Michael Wilson -

- Resident of Polk Street for many years.
  - There is a need for more commercial space. There are too many restaurants.
  - He thought that there was a moratorium on restaurants.
  - There are a lot of vacant buildings.



- (-) **Fatini Papafilis - speaking on behalf of Mr. Papayannis**
    - Read a letter from Mr. Papayannis.
    - In 4 blocks there are 32 Restaurants not including bars serving food.
    - There are 9 buildings and most have restaurants.
    - Another restaurant will hurt the neighborhood.
  - (+) **Idy Hadad - 1700 block of Polk Street**
    - He doesn't think that opening another restaurant will cause more traffic.
  - (+) **David Meer**
    - The project sponsor is only moving a few blocks.
    - He supports the project sponsor.
  - (+) **Bijan (unable to understand last name) - owner of a smoke shop on Polk.**
    - He has been eating at this restaurant for many years.
    - He doesn't understand why the residents of the neighborhood are opposed.
  - (+) **Ali Homidi**
    - He has known the project sponsor for 30 years.
    - He supports him and his family.
  - (-) **Amy Yung**
    - She has worked on Polk Street for 11 years.
    - There is too much competition on Polk Street.

**ACTION:** Approved with staff conditions which require the applicant to remove all of the cooking facility at his existing restaurant for the purpose of setting up an abandonment of that activity. The ZA will then make a determination that the applicant has done that.

**AYES:** Theoharis, Chinchilla, Richardson, Antenore

**ABSENT:** Mills, Joe, Martin

**MOTION NO.:** 15073

G. AT APPROXIMATELY **6:36** P.M. THE PLANNING COMMISSION CONVENED INTO A SPECIAL DISCRETIONARY REVIEW (DR) HEARING.

21. 2000.331D (MIRAMONTES: 558-6348)  
2616 UNION STREET, west side between Broderick and Divisadero Streets, Lot 006 in Assessor's Block 0946 -- Request for Discretionary Review of BPA No. 20000127446S, proposing to construct an approximately 4-foot wide deck at the rear of the second floor and also to construct an approximately 5-foot by 7-foot enclosed garden storage area at the northwest corner of the building in an RH-2(Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and approve the building permit application with modifications.

**SPEAKER(S):**

- (-) **Merel Glaubiger - DR Requestor**
    - She and her neighbor have tried to settle issues but haven't been able to.
    - Would like the Commission to take DR and allow for her suggestions.
    - The proposed addition wall will block the sun and light to their home.
  - (-) **Daniel Archer - D.R. Requestor's Architect**
    - Recommen moving the barbecue away from the west side to the east side of deck since the plans have not shown a permanent barbecue.
  - (-) **Daniel Glaubiger**
    - There is a lot of obstruction which the wall will cause in regards to light, view and



sun.

(+) Ed McCacrin

- The neighbors enjoy panoramic views of the city since they have 5 levels.
  - There is no view blockage.
  - The Glaubiger's tore down a beautiful tree which has given them a panoramic view.
  - The Glaubiger's and his clients have spoken many times.

ACTION: Approved with Staff Recommendations  
AYES: Theocharis, Chinchilla, Richardson, Antenore  
ABSENT: Mills, Joe, Martin

22. 2000.377D (MIRAMONTES: 558-6348)  
2524 UNION STREET, east side between Divisadero and Scott Streets, Lot 010 in Assessor's Block 0945 -- Request for Discretionary Review of BPA No. 20000114158, proposing to construct a 21-foot deep rear extension on the first floor and a 6-foot deep rear extension on the second and third floors in a RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and approve the building permit application with modifications.

**SPEAKER(S):**

(-) Cindy Horowitz - Representing her daughter Wynona Rider

- The primary concern is not of the 21 foot ground level, but with the 6 foot extension of the 2nd and 3rd story.
  - The top floor is extremely important to the family since it is where her daughter reads her scripts and where she does work. There is a very small deck, where if they go onto the deck, they will be looking at a solid wall to the right which goes into a bedroom window.

(-) Anna Shimko of Cassidy, Shimko & Dawson -

- The space that the compromised space would cut off is really not usable space.
  - Urges that the Commission take DR and consider the compromised plan.

(+) Molly Brennan - representing project sponsor

- They are malleable to the recommendations made by staff. Staff has been very helpful.
  - Ms. Horowitz will not be looking into a solid wall. The 3 foot compromise is not small to them, but considerable. They have already made a compromise to the design.

(+) Marty Zwick - Project Architect

- He is being sensitive to the neighbors
  - They have made a good faith effort to work with Ms. Horowitz.

ACTION: Take Discretionary Review and approve project with elimination of 3 feet from top of 2nd floor extension.  
AYES: Theoharis, Chinchilla, Richardson, Antenore  
ABSENT: Mills, Joe, Martin

Adjournment: 7:21 p.m.

THE DRAFT MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, JUNE 8, 2000.



SF  
C55  
10  
1/25/00  
Annual Joint

# SAN FRANCISCO PLANNING COMMISSION & RECREATION AND PARK COMMISSION

## Meeting Minutes of Special Joint Meeting

DOCUMENTS DEPT.

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Board of Supervisors Chamber - Room 250  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, May 25, 2000

**2:00 PM**

**PLANNING:**

Commission President:  
Commission Vice President:  
Commissioners:  
Anita Theoharis  
Beverly Mills  
Dennis Antenore, Hector Chinchilla, Cynthia Joe,  
Larry Martin, Linda Richardson

**RECREATION &  
PARK:**

Commission President:  
Commission Vice President  
Commissioners:  
Gordon Chin  
John Murray  
Yvette Flunder, Eugene Friend, William P. Getty, Jim  
Salinas, Sr., Lynne Newhouse Segal

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Linda D. Avery, Commission Secretary

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Commission Calendars are available on the Internet at <http://www.ci.sf.ca.us/planning>  
or as a recorded message at (415) 558-6422.

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THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT, 1660  
MISSION ST., 5TH FLOOR RECEPTION

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### **Commission Meeting Procedures**

Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Department Reception Counter at 1660 Mission Street, Fifth Floor, no later than 5:00 PM the Wednesday (eight days)



prior to the scheduled public hearing. Persons unable to attend a hearing may submit written comments regarding a calendared item to the Commission at the above listed address. Comments received by 11:30 AM on the day of the hearing will be made part of the official record and will be brought to the attention of the Planning Commission at the public hearing. Otherwise, submit material related to a calendared item at the scheduled hearing for distribution. For complete distribution to all Commissioners, necessary staff and case/docket/correspondence files, submit an original plus 10 copies.

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on Conditional Uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15 days of action by the Central Permit Bureau. Call (415) 554-6720 for more information. Zoning Administrator action on a Variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407

#### Accessible Meeting Policy

Hearings are held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, Fourth Floor, San Francisco, CA. The closest accessible BART Station is the Civic Center Station located at the intersection of Market, Hyde and Grove Streets. Accessible curb side parking has been designated at points along McAllister Street. Accessible MUNI Lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro Lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142. American sign language interpreters and/or a sound enhancement system will be available upon request by contacting Dorothy Jaymes at (415) 558-6403 at least 72 hours prior to a hearing. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

#### Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall Administrator, 1 Dr. Carlton Goodlett Place, Room 244, by phone at (415) 554-7724, by fax at (415) 554-5163 or by E-mail at [Donna\\_Hall@ci.sf.ca.us](mailto:Donna_Hall@ci.sf.ca.us).

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at [www.ci.sf.ca.us/bdsupvrs/sunshine](http://www.ci.sf.ca.us/bdsupvrs/sunshine).

#### COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1660 Mission St., 5th Floor Reception.



2:00 PM

ROLL CALL

|                               |   |   |
|-------------------------------|---|---|
| <b>PLANNING:</b>              | Commission President:<br>Commission Vice President:<br>Commissioners: | Anita Theoharis<br><br>Dennis Antenore, Hector Chinchilla, Linda Richardson             |
| <b>RECREATION &amp; PARK:</b> | Commission President:<br>Commission Vice President<br>Commissioners:  | John Murray<br>Yvette Flunder, William P. Getty, Jim Salinas, Sr., Lynne Newhouse Segal |

A. PUBLIC COMMENT

At this time, members of the public may address the Joint Commission on items of interest to the public that are within the subject matter jurisdiction of these Commissions except agenda items. With respect to agenda items, your opportunity to address these Commissions will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the

public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

"The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

SPEAKER(S):

**Lloyd Schlagle:**

- Computer learning centers should be kept away from City Parks. These type of centers should be included in schools.

B. SPECIAL CALENDAR

1. 2000.026M (SHOTLAND: 558-6308)  
Amendment of the Recreation and Open Space Element of the General Plan Consideration of a Resolution amending the Recreation and Open Space Element of the General Plan, adding two sites to the category "Proposed Public Open Space, Acquire for or Convert to Public Open Space" in Map 4, the Citywide Recreation and Open Space Plan."

The following sites are proposed to be added to Map 4, on page I.3.18 of the Recreation and Open Space Element of the General Plan:

- a. Brooks Park Extension  
AB 7075, lots 30, 31  
236-238 Vernon Street
- b. North Mission Park site



AB 3569, lot 19  
45 Hoff Street

Jane Winslow -

- Better lighting, new benches,
  - After many hours, 200-2001 budget and took their recommendations.
  - She hopes that the Commission will approve this project.

**SPEAKER(S):**

? Taylor

- Regarding Brooks park - there are problems with kids walking down the street because there is no sidewalk.
  - Would like to have a meter put in to monitor the water.
  - There are several other items that need to be addressed in the park.

Ruby Draper

- Regarding Brooks Park - She would like to have someone to clean up the park at least once a week.
  - She goes to the park every day with a green bag picking up garbage.
  - Would like to have money allocated to the park to be distributed more evenly.

Alvin Draper

- He is concerned about the grass on the hill. Every once in a while the Fire Department will come out and burn some of the grown grass. Someone needs

Victoria Hamilton - Friends of Crocker Amazon Park

- She had requested some items to the Open Space Committee. She has written specifics that are not in the draft. Outlined some of the things required for improvement at Crocker Amazon Park: i.e. a playground site, there are play structures that haven't been improved for many years.
  - Bocce Ball courts should be included in the plan.

Bill Barns - Neighborhood Parks Council

- They are in support of the Open Space plan.
  - There were over 100 suggested projects. He believes that this was a hard decision to make.

Ethel Seagal - St. John's Educational Center in the Mission District

- It's not easy to buy a piece a land with
  - There was a gentleman who
  - Would like Commissioners to approve a

## ACTION BY THE PLANNING COMMISSION:

### **Approved sites to be proposed as Open Space**

#### ACTION BY THE REC AND PARK COMMISSION:

AYES: Theoharis, Chinchilla, Richardson, Antenore

**ABSENT:** Mills, Joe, Martin

2. 2000.026R (SHOTLAND: 558-6308)  
Consideration of a Resolution finding the San Francisco Park and Open Space Program, Fiscal Year 2000-2001 in conformity with the General Plan of the City and County of San Francisco, and approving and adopting the Program.

ACTION: Approved sites to be proposed as Open Space  
AYES: Theoharis, Chinchilla, Richardson, Antenore  
ABSENT: Mills, Joe, Martin

Park and Rec Commission: Approved in conformity to the General Plan Approved to amend the General Plan



Approved sites to be proposed as Open Space

Adjournment: 3:11 p.m.

**San Francisco Planning Commission  
1660 Mission Street, Suite 500  
San Francisco, CA 94103**



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# SAN FRANCISCO PLANNING COMMISSION

DOCUMENTS DEPT.

## Minutes

JUL 17 2001

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Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, June 7, 2001

**1:30 PM**

**Regular Meeting**

President: Anita Theoharis

Commission Vice President: William W. Fay

Commissioners: Roslyn Baltimore; Hector Chinchilla; Cynthia Joe;  
Myrna Lim; Jim Salinas, Sr.

**PRESENT:** Theoharis; Fay; Baltimore; Chinchilla; Joe; Lim  
**ABSENT:** Salinas

THE MEETING WAS CALLED TO ORDER BY PRESIDENT THEOHARIS AT 1:50 P.M.

STAFF IN ATTENDANCE: Gerald G. Green – Director of Planning, Larry Badiner – Zoning Administrator, Dan DiBARTOLO; Ricardo Bressanutti; Ken Chin; Craig Nikitas; Jim Miller; Glen Cabreros; Tim Woloshyn; Patricia Gerber – Transcription Secretary; Linda D. Avery – Commission Secretary

### A. ITEMS PROPOSED FOR CONTINUANCE

- 1a. 2000.138DV (WANG: 558-6335)  
4038 17TH STREET - north side between Castro and Douglass Streets, Lot 011 in Assessor's Block 2623. Request of Discretionary Review of Building Demolition Permit Application No. 9814005 and Building Permit Application No. 9814006. The proposal would alter an existing vacant one-story over garage, single-family dwelling into a three-story over garage, three-family dwelling in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. Note: This project was previously heard by the Commission on April 6, 2000 and May 10, 2001, respectively. Following public testimony on April 6, 2000, the Commission moved to continue the hearing indefinitely, so the Project Sponsor could develop a design that (1) does not require demolition of the existing structure (the demolition building permit application will be withdrawn by the project sponsor); (2) retains a substantial portion of the front part of the Victorian house; and (3) allows three dwelling units to be constructed on the site. The revised project proposes to retain approximately 42 feet of the front of the existing building which includes both exterior sidewalls and some of the interior walls. The existing facade would be preserved and moved forward by

approximately 3 feet 4 inches and lowered by approximately 4 feet. The facade would be attached to a reinforced and expanded structure constructed between its new location and the existing portions of the sidewalls, which are to remain in place. The sidewalls would be extended downward by approximately 4 feet and the 3-foot 11-inch parapet would be removed. The revised project would further include building additions above and behind the retained portion of the existing building, resulting in a three-story over garage, three-family dwelling. The revised project would also require the justification of a rear yard variance, which will be heard by the Zoning Administrator concurrently with the discretionary review.

Preliminary Recommendation: Pending

**(Proposed for continuance to June 14, 2001)**

**ACTION:** Continued as proposed

**AYES:** Theoharis, Fay, Chinchilla, Joe, Lim

**ABSENT:** Baltimore, Salinas

- 1b. **2000.138DV** (WANG: 558-6335)  
4038 17TH STREET, north side between Castro and Douglass Streets; Lot 011 in Assessor's Block 2623 in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. REAR YARD VARIANCE SOUGHT: Subject to Discretionary Review by the Planning Commission, the current proposal is to alter an existing vacant one-story over garage, single-family dwelling by remodeling it into a three-story over garage, three-family dwelling in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. Note: This project was previously heard by the Commission on April 6, 2000 and May 10, 2001, respectively. Following public testimony on April 6, 2000, the Commission adopted a Motion to continue indefinitely, so the Project Sponsor could develop a design that (1) does not require demolition of the existing structure, (2) retains a substantial portion of the front part of the Victorian house and (3) allows three units to be constructed on the site. The revised project proposes to retain approximately 42 feet of the front of the existing building which includes both exterior side walls and some of the interior walls. The existing facade would be preserved and moved forward by approximately 3 feet 4 inches and lowered by approximately 4 feet. The facade would be attached to a reinforced and expanded structure constructed between its new location and the existing portions of the sidewalls, which are to remain in place. The sidewalls would be extended downward by approximately 4 feet and the 3-foot 11-inch parapet would be removed. The revised project would further include building additions above and behind the retained portion of the existing building, resulting in a three-story over garage, three-family dwelling. The revised project would also require the justification of a rear yard variance which will be heard by the Zoning Administrator concurrently with the discretionary review. Section 136(c)(25) of the Planning Code allows enclosed and unenclosed extensions of buildings, as permitted obstructions, to extend no more than 12 feet into the required open area, provided that the structure shall be limited to a height not exceeding the floor level of the second floor of occupancy, excluding the ground story, at the rear of the building on the subject property, in which case the structure shall be no closer than 5 feet to any interior side lot line. Section 134(c) requires a minimum rear yard of approximately 35 feet, measured from the mid-point of the rear property line for the subject lot. The new addition to be constructed behind the retained portion of the front part of the existing building would be three stories tall, extending 12 feet into the required rear yard to be within approximately 33 feet 6 inches of the rear property line and would encroach entirely into the required 5-foot separation from the east side lot line and from the west side lot line, respectively.
- (Proposed for continuance for June 14, 2001)**

**ACTION:** Continued as proposed  
**AYES:** Theoharis, Fay, Chinchilla, Joe, Lim  
**ABSENT:** Baltimore, Salinas

2. 2001.0234D (SANCHEZ: 558-6679)  
217 - 219 16TH AVENUE - west side between California and Clement Streets, Lot 002 in Assessor's Block 1417. Request for Discretionary Review of Building Permit Application No. 2000/08/25/8970S, proposing to construct a three-story horizontal addition at the rear of the existing two-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District. Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

**(Proposed for Continuance to June 21, 2001)**

**ACTION:** Continued as proposed  
**AYES:** Theoharis, Fay, Chinchilla, Joe, Lim  
**ABSENT:** Baltimore, Salinas

3. 2001.0293C (M. SNYDER: 575-6891)  
490 - 2<sup>ND</sup> STREET - northwest corner at Bryant Street, Lot 7 in Assessor's Block 3763. Request for Conditional Use Authorization under Planning Code Section 818.73 and 227(h) to install three sectors of antennas (four antennas in each sector for a total of twelve antennas) on the building's rooftop, and a base transceiver station within the building, in an SSO (Service / Secondary Office) District and a 40-X Height and Bulk District. The site is considered a Location Preference No. 4 according to the Planning Department's Wireless Telecommunications Services Facilities Siting Guidelines.

Preliminary Recommendation: Pending

**(Proposed for Continuance to July 19, 2001)**

**ACTION:** Continued as proposed  
**AYES:** Theoharis, Fay, Chinchilla, Joe, Lim  
**ABSENT:** Baltimore, Salinas

4. 1999.811D (PUTRA: 558-6233)  
1660 MISSION STREET - west side between South Van Ness Avenue and Thirteenth Street, lots 5 and 6 in Assessor's Block 3512. Request for Discretionary Review of Building Permit Application No. 2000 0515 0033, to construct a six-story above grade level, approximately 76-feet-tall addition with 25,365 gross square feet of office and 5,073 square feet of parking at grade level. This is an addition to the existing 92,000-gross-square-foot city office building, of which 22,610 square feet are in an underground garage, in a C-M (Heavy Commercial) District; and a 105-J Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the Building Permit Application as revised.

(Continued from Regular Meeting of April 5, 2001)

**(Proposed for continuance to July 19, 2001)**

**ACTION:** Continued as proposed  
**AYES:** Theoharis, Fay, Chinchilla, Joe, Lim  
**ABSENT:** Baltimore, Salinas

5. 2001.0209D (JONES: 558-6477)

235 SANTA PAULA AVENUE - between Yerba Buena Avenue and San Jacinto Way, Lot 026 in Assessor's Block 3078, request for Discretionary Review of Building Permit Application No. 2001/12/21/8505, proposing for the construction of a two-story rear horizontal extension to the existing two-story, single-family residence in an RH-1(D) (Residential, House, One-Family Detached Dwellings) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take DR and approve as submitted.  
**(Proposed for continuance to July 19, 2001)**

**ACTION:** Continued as proposed  
**AYES:** Theoharis, Fay, Chinchilla, Joe, Lim  
**ABSENT:** Baltimore, Salinas

6. 2000.585E (JAROSLAWSKY: 558-5970)  
438 8<sup>TH</sup> STREET - **Appeal of a Preliminary Negative Declaration.** The property is on Lot 002 of Assessor=s Block 3757, located on the west side of 8<sup>th</sup> Street. The proposal includes the demolition of five existing structures on the project site and the construction of a three-story, 105,500 square foot structure to contain business service uses, which is a permitted use within the district. The project site is on 8<sup>th</sup> Street with frontage on both 8<sup>th</sup> and Converse Streets. The subject site is within an SLI (Service Light Industrial) District and a 40-X Height and Bulk District within the South of Market District of the City of San Francisco. Two of the existing structures on the site are utilized as storage sheds and the remaining three structures are vacant. The proposed new structure would entirely encompass the subject site, be a maximum of 40 feet in height and contain three stories. The project would include an open courtyard and 100 below ground parking spaces.

Preliminary Recommendation: Uphold Preliminary Negative Declaration  
**(Proposed for Continuance to October 4, 2001)**

**ACTION:** Continued as proposed  
**AYES:** Theoharis, Fay, Joe, Chinchilla, Lim  
**ABSENT:** Baltimore, Salinas

## B. COMMISSIONERS' QUESTIONS AND MATTERS

7. Consideration of Adoption - draft minutes of April 5, and 12, 2001.

**ACTION:** Approved as corrected  
**AYES:** Theoharis, Fay, , Chinchilla, Joe, Lim  
**ABSENT:** Baltimore, Salinas

8. Commission Matters

**Commissioner Lim:** - There was an audit completed by the Department of the Controller regarding Development Impact Fees. This audit was sent to the BOS on May 30. There was a resolution that was passed urging the Planning Commission to certify existing studies calculating the average area purchase price for the development fees. She would like to know what would be the best way to respond to this audit. *{This shall be calendared under Director's Report during the hearing of June 21, 2001, which will allow for public comment.}*  
- There have been a lot of discussions at the BOS regarding the budget for the Planning Department. She would like the

Director to reiterate the importance of this budget to the BOS since there are 3 Supervisors who are very concerned about the Planning process of their districts: Sup. Maxwell, Sup. Daly and Sup. Sandoval. *{This shall be calendared for a hearing during July 2001.}*

President Theoharsl: - She saw the BOS meeting on Monday and read an article in the newspaper about the rezoning of Rincon Hill. One of the Supervisors mentioned that the Planning Commission was approving this project and the Supervisor was disturbed. The Commission has not been presented this project. There should be an Environmental Impact Report done and then a hearing will be scheduled to receive input from the public. She wanted to clarify this to the public and asked Director Green to help the Commission clarify this to the public. She would like the Director to get in touch with Sup. Daly to obtain any names of people who might want to receive the Environmental Reports.

## C. DIRECTOR'S REPORT

### 9. Director's Announcements

- Controller's Audit: This shall be calendared under Director's Report during the hearing of June 21, 2001--which will allow for public comment
- Resolution sponsored by the Supervisors: This shall be calendared for a hearing during July 2001.
- Rincon Hill: The Department will continue to reach out and communicate with Sup. Daly regarding the meetings that have been held during the last 5 years.  
The ZA mentioned that the department needs to listen carefully to what the residents are saying.

### 10. Review of Past Week's Events at the Board of Supervisors and Board of Appeals B of S:

- 19<sup>th</sup> and Oakwood – Continued matter for 2 weeks to allow the project sponsor to be present at the hearing. The Board of Supervisors considered a modification/compromise lead by Sup. Leno.
- On 5/17 staff made a presentation on IPZ, Planning Commission asked for further information

### B of A:

- 1800 Mission Street – Adopted conditions of approval proposed by CPC –Unanimously
- 129 Randall Street – Overturned CPC decision.
- 2838 Washington Street – Uphold CPC decision
- Smith Kettlewell Institute – Who will interpret a motion that adopted by this Commission in 1966?. After consulting with the City Attorney it is the Zoning Administrator jurisdiction to do it.
- Planning Commission asked for an interpretation. Zoning Administrator informed the counsel for the project sponsor, and the counsel for the neighbors concerned about it. Zoning Administrator gave a week to submit brief or discussion, before he issues a letter of determination

**D. REGULAR CALENDAR**

11. 2001.0126Q (DiBARTOLO: 558-6291)  
120 WETMORE STREET - east side between Washington and Clay Streets, Lot 34 in Assessor's Block 212, five-unit residential condominium conversion subdivision in an RM-3 (Residential, Mixed, Medium-Density) District. The proposal is to change the existing building to a condominium form of ownership and does not involve expansion, alteration, or demolition of the existing building.  
Preliminary Recommendation: Approval

**SPEAKER (S):** None

**ACTION:** Approved

**AYES:** Theoharis, Fay, Baltimore, Chinchilla, Joe, Lim

**ABSENT:** Salinas

**MOTION No.** 16170

- 12a. 2000.1006CV (BRESSANUTTI: 575-6892)  
2516-2524 MISSION STREET - west side between 21<sup>st</sup> and 22<sup>nd</sup> Streets, Lot 61 in Assessor's Block 3616. Request for Conditional Use Authorization to demolish fire-damaged residential uses per Section 712.39 of the Planning Code, to establish a Tourist Hotel use per Section 712.55, an Administrative Service use per Section 712.70 and a Small Self-Service Restaurant use per Section 781.5, and to establish non-residential uses over 5,999 square feet in area per Section 712.21, in an NC-3 (Moderate Scale Neighborhood Commercial) District, the Mission Street Fast-Food Sub district, the Mission Alcoholic Beverage Special Use District and 65-B Height and Bulk District, and a RH-3 (Residential, House, Three-Family) District and 50-X Height and Bulk District. The proposal is to demolish an existing fire-damaged mixed-use building containing nine vacant residential hotel units and approximately 5,200 square feet of retail space, and to construct in its place a new five-story-over-basement, mixed-use building. The proposed building would contain an up to 999 square foot Self-Service Restaurant use and an up to 7,780 square foot Full Service Restaurant use at the basement level and ground floor, 4,963 square feet of Administrative Service office use on the second floor, nine Residential Hotel units on the third floor to replace the existing units, 12 Group Housing units on the third and fourth floors, and an 11-room Tourist Hotel on the fifth floor. No off-street parking would be provided.

Preliminary Recommendation: Approval with conditions

**SPEAKER (S):**

(+) **Gus Morad, Property Owner**

- Would like this project to be approved and would like to be able to help the people who lost their homes in the fire
- Hopes the Commission will approve this project

(+) **Brett Gladstone**

- Willing to put in a condition regarding the administration services space, willing to put in a 20% discount off what the market rate is at the time of certification of completion and occupancy is issued.
- Two realtors, whom the Department/client will choose, will submit to the Department the market value figures at that time
- Parking will not be a problem

(+) **Toby Levy, Project Architect**

- Gave a description of the project

(+) **Luis Granados**

- The neighborhood has been in need of a building of this kind
- It will be affordable for working class people
- A parking requirement is not necessary because of the transportation nearby.

- A good project for the Mission District
  - Project should be approved with the conditions exclusively stated.
- (+) **Richard Marques, Mission Agenda and the Mission SRO Collaborative**
- Provide affordable housing for the people that was affected by the fire
  - Would help to enhance the neighborhood
  - What happened to the other 9 tenants that were burned out of these units?
  - Further accountability and proper appropriate management standards for these SRO units have to be put in place and watched.
  - There is an incredible amount of need for SRO housing
- (+) **Gabriel Metcalf, Deputy Director of SPUR**
- We believe this is a good project
  - A lot of SROs that are burned out are hard to be replaced
  - This developer has found a way to help the people who lost their homes.
  - This is a textbook-planning example--where new parking should be part of it, especially in this City that has a huge parking crisis.
  - Urged the Commission to support it.
- (+) **Leah Shaham**
- This is a type of project where parking should be an issue
  - This type of project needs a variance
  - This is good for the City
  - We need the housing, but what we do not need to worsen our streets
  - Urged to approve
- (+) **Elizabeth Sullivan**
- Urged the Commission to approve the project
- (+) **Anthony, Student at Mission Language Vocational School**
- More job opportunities for the community
- (+) **Janeldi, Student at Mission Language Vocational School**
- Support the project
- (+) **Eliza Dias, Student at Mission Language Vocational School**
- Support project
- (+) **Magdalena Campos**
- City should provide more job opportunities
- (+) **Rosanna Vasquez**
- This will not only help the business owners, it will also help the different communities
- (+) **George Lopez**
- Supports project
- (+) **Rosario Anaya, Director of Mission Language Vocational School**
- Supports project

**ACTION:** Approved with conditions:

**Exempt from Federal tax pursuant to Section 501© of the Internal Revenue Code and at a below market rate rental amount equal to no more than 80 percent of the market rate rents at the time of execution of the lease agreement. Market rate rents shall be determined by two real estate agents, one each chosen by the Project Sponsor and the Department.**

**AYES:** Theoharis, Fay, Baltimore, Chinchilla, Joe, Lim

**ABSENT:** Salinas

**MOTION No.** 16171

- 12b. 2000.1006CY (BRESSANUTTI: 575-6892)  
2516-2524 MISSION STREET - west side between 21<sup>st</sup> and 22<sup>nd</sup> Streets, Lot 61  
in Assessor's Block 3616 - Request for a parking variance to allow the construction of a new mixed-use building without the 49 off-street parking spaces required by Sections 150-151 of the Planning Code.

**PUBLIC HEARING CLOSED. ZONING ADMININSTRATOR GRANTED THE VARIANCE SUBJECT TO CONDITIONS TO BE DETERMINED**

13. 2000.427C (CHIN: 575-6897)  
2201 VAN NESS AVENUE - northeast corner at Broadway; Lots 007, in Assessor's Block 570. Request for Conditional Use Authorization pursuant to Section 209.6 of the Planning Code to install a total of three antennas and a base transceiver station on an existing four-story building as part of Sprint's wireless telecommunications network in an RC-3 (Residential Commercial, Medium Density) District and a 80-A/80-D Height and Bulk District. As per the Wireless Telecommunications Guidelines, the subject property is a preference 4.  
Preliminary Recommendation: Approval with Conditions  
**PROJECT WITHDRAWN**

- 14a. 2000.259EKXV (NIKITAS: 558-6306)  
421 TURK STREET - south side between Hyde and Larkin Streets, Lot 17 in Assessor's Block 346. Determination of shadow impact pursuant to Section 295 for a proposal to construct an eight-story apartment building with 29 affordable dwelling units in a C-3-G (Downtown General Commercial) District and an 80-X Height and Bulk District. The project casts new shadow on lands under the jurisdiction of the Recreation and Park Department. The Planning Commission must determine, following review and comment by the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, whether shadows cast by the project on the Turk-Hyde Mini-Park are significant and adverse.  
Preliminary recommendation: Shadow impacts are not significant and adverse.

**SPEAKER (S):****(+) Chris Reyes, Project Sponsor**

- 100% affordable housing units benefiting families
- It will be a family oriented building
- Our purpose is to integrate with the services already in existence in the community
- In addition to the residential attributes, there will on-site services geared toward school age youth
- This housing development would be a vehicle toward involvement, not only of the residents of the community, but also with citizens in other communities

**(+) Marvis Philips**

- We support and endorse this project

**ACTION:** Approved**AYES:** Theoharis, Fay, Baltimore, Chinchilla, Joe, Lim**ABSENT:** Salinas**MOTION No.** 16172

- 14b. 2000.259EKXV (MILLER: 558-6344)  
421 TURK STREET - south side between Hyde and Larkin Streets, Lot 17 in Assessor's Block 346. Request for Determination of Compliance pursuant to Section 309 with respect to a proposal to construct an eight-story apartment building with 34 affordable dwelling units, involving an exception to the rear-yard standards of the Planning Code (Section 134, *et seq.*) in a C-3-G (Downtown General Commercial) District and an 80-X Height and Bulk District. The proposed project is also the subject of a requested Variance (Case No. 2000.259EKXV) of the Planning Code standards for Dwelling-Unit Exposure (Section 140). Following Advertisement and Notification for this project, the Sponsor has proposed a reduction in units to 29 total, and a reduction in off-

street parking spaces from nine to seven, and the addition of accessory space to be used for job counseling, all within the previously submitted building envelope. Preliminary recommendation: Approval with conditions.

**SPEAKER (S): Same as 14a**

**ACTION:** Approved as amended:

Final plans in general conformity with "Exhibit B." Plans on file with the application shall be reviewed and approved by the staff of the Department prior to the issuance of any Building Permit for the Project. Within the limits of project design as specified in the terms of the funding agreement, the Applicant shall continue to work with Department staff and interested neighborhood stakeholders to modify, if feasible, the Project design toward the end of reducing shadowing impacts on the Turk-Hyde Mini-Park.

**AYES:** Theoharis, Fay, Baltimore, Chinchilla, Joe, Lim

**ABSENT:** Salinas

**MOTION NO.** 16173

- 14c. 2000.259EKXV (MILLER: 558-6344)  
421 TURK STREET - south side between Hyde and Larkin Streets, Lot 17 in Assessor's Block 346. Dwelling-unit exposure variance sought in conjunction with the construction of an eight-story apartment building with 34 affordable dwelling units, also involving a requested exception from the rear-yard standards of the Planning Code pursuant to Code Sections 134, *et seq.*, and 309, in a C-3-G (Downtown General Commercial) District and an 80-X Height and Bulk District.  
**ZONING ADMINISTRATOR CLOSED PUBLIC HEARING AND GRANTED THE VARIANCE**

**E. SPECIAL DISCRETIONARY REVIEW HEARING**

At Approximately 3:53 PM the Planning Commission convened into a Special Discretionary Review (DR) Hearing to hear and act on Discretionary Review matters.

15. 2001.0342D (CABREROS: 558-6169)  
148 - 7TH AVENUE - between Lake and California Streets, Lot 033 in Assessor's Block 1366, request for Discretionary Review of Building Permit Application No. 2001/01/10/9544, proposing to construct a third-story and a rear extension to the existing building. The proposed addition occurs within the permitted building envelope in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve as submitted.

**SPEAKER (S):**

**(-) James Coy, Attorney for DR Requestor**

- Increases the fire hazards
- Work had been done illegally
- It would be an enormous impact in the neighborhood
- Would block the light to my 79 year old disabled client
- This also would have a terrible impact on the affordable housing in the neighborhood
- The neighbors are not in favor of this
- Asked that discretionary review be granted

**(-) Laura Newman**

- Rich people are taking what has been my home for many years
- This will take the light from my windows
- This has caused me a lot of stress

- Would loose my privacy
- (+) **Gustav Carlson, Project Sponsor**
- Gave a description of the project
- (+) **Jeff Bennett, property owner**
- Wants to stay in San Francisco and raise his family
- Changes we would like to make are very minimal
- We are preserving the character of the neighborhood
- (+) **Santa Bulkin**
- Our contracting company philosophy is to respect other people's property
- As a contractor, I go out of my way to maintain a clean site

**ACTION:** Approved

**AYES:** Theoharis, Fay, Baltimore, Chinchilla, Joe, Lim

**ABSENT:** Salinas

16. 2001.0233D (WOLOSHYN: 558-6612)  
2349 FRANKLIN STREET – west side, between Broadway and Vallejo Street; Lot 002 in Assessor's Block 0569. Staff-Initiated Discretionary Review of Building Permit Application Number 2000-1129-6746, proposing to reduce the legal number of dwelling units from 4 to 2, in an RM-3 (Residential Mixed, Medium Density) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and approve with conditions

**SPEAKER (S):**

(-) **Peggy Golub, Property Owner**

- Bought this property about a year ago. We plan to make this our home and raise our family
- In reducing these units, they are reducing the units available for rent
- When they purchased the property, the top floor was in a dilapidate state and was inhabitable
- Urged the Commission to approve the project application

**ACTION:** Approved with conditions:

- o Legal dwelling units should be reduce from 4 to 3
- o Authorized the removal of the basement unit--which was taken out by the former owner without a permit
- o Disallowed any further conversion of the second floor unit

**AYES:** Theoharis, Fay, Baltimore, Chinchilla, Joe, Lim

**ABSENT:** Salinas

## F. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to The public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**Patricia Vaughay:**

- Update on Touchless carwash: In violation of conditions of approval
- Rico Way: It has been 3 weeks without the neighbors having an opportunity to see any drawings
- 2645 Baker Street: Does not follow the Cow Hollow Design Guidelines

Adjournment: **4: 38 p.m.**

**THE DRAFT MINUTES WERE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, JULY 12, 2001.**



# SAN FRANCISCO PLANNING COMMISSION Minutes of Meeting

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, June 14, 2001

DOCUMENTS DEPT.

**1:30 PM**

AUG 23 2001

Regular Meeting

SAN FRANCISCO  
PUBLIC LIBRARY

**PRESENT:** Theoharis; Fay; Baltimore; Chinchilla; Joe; Lim  
**ABSENT:** Salinas

MEETING WAS CALLED TO ORDER BY PRESIDENT THEOHARIS AT 1:40 P.M.

STAFF IN ATTENDANCE: Gerald G. Green – Director of Planning, Larry Badiner – Zoning Administrator, Amith Ghosh; Isolda Wilson; Thomas Wang; Craig Nikitas; Tina Tam; Tim Woloshyn; Rick Crawford; Alison Borden; Catherine Bauma; Joy Navarrete; Patricia Gerber – Transcription Secretary; Linda D. Avery – Commission Secretary

## A. ITEMS PROPOSED FOR CONTINUANCE

1. (WILSON: 558-6602)

Planning Commission consideration of adoption proposed changes to the rules for the 2001-2002 Office Development Annual Limitation Program.

(Proposed for Continuance to June 21, 2001)

**ACTION:** Continued as proposed

**AYES:** Theoharis; Fay; Baltimore; Chinchilla; Joe; Lim

**ABSENT:** Salinas

2. 2000.1267D (WANG: 558-6335)

215 ROOSEVELT WAY - southeast side between Fairbanks and 15th Streets, Lot 060 in Assessor's Block 2614. Request for Discretionary Review of Building Demolition Permit No. 2000/04/27/8397 and Building Permit Application No. 2000/04/27/8394. The proposal is to demolish an existing one-story over garage, single-family dwelling and construct a new three-story over garage, two-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Pending

(Proposed for Continuance to June 28, 2001)

**ACTION:** Continued as proposed

**AYES:** Theoharis; Fay; Baltimore; Chinchilla; Joe; Lim

**ABSENT:** Salinas

3. 2000.1328E (CHAN: 558-5982)  
**1750 FOLSOM STREET - Appeal of a Preliminary Negative Declaration.** Assessor's Block 3530, Lot 6. The proposed project would include the demolition of an 8,600-square-foot warehouse building, retention of a portion of the existing slab foundation and construction of a new 14,280-square-foot, three-story plus mezzanine, 40-foot-tall structure. The building would contain about 10,210 square feet of restaurant and bar space, and 4,070 square feet catering facility. Nineteen off-street parking spaces would be provided in the basement-parking garage. The site is on Folsom Street, bounded by Erie Street, 14<sup>th</sup> Street, and South Van Ness, within the Mission neighborhood. The site is within the Planning Commission's adopted Industrial Protection Zone (IPZ) buffer and within the M-1 (Light Industrial) zoning district and a 40-X height and bulk district. The project sponsor is seeking a variance from the parking requirement for independently accessible parking spaces in order to increase available parking from 19 to 34 spaces by providing valet parking.  
Preliminary Recommendation: Uphold Negative Declaration  
**(Proposed for Continuance to June 28, 2001)**

**ACTION:** Continued as proposed  
**AYES:** Theoharis; Fay; Baltimore; Chinchilla; Joe; Lim  
**ABSENT:** Salinas

4. 2000.1165B (BRESSANUTTI: 558-6892)  
**2 HENRY ADAMS STREET** - west side between Division Street and Alameda Street; Lot 1 in Assessor's Block 3910. Request under Planning Code Sections 320-322 for project authorization of an office development consisting of the conversion of up to 49,900 square feet in an existing building (San Francisco Design Center) from wholesale design showroom space to office space. This notice shall also set forth an initial determination of the net addition of gross square feet of office space, pursuant to Planning Code Section 313.4. The subject property is located in an M-2 (Heavy Industrial) District and the Industrial Protection Zone, and a 40-X Height and Bulk District.  
Preliminary Recommendation: Pending  
(Continued from Regular Meeting of April 19, 2001)  
**(Proposed for Continuance to June 28, 2001)**

**ACTION:** Continued as proposed  
**AYES:** Theoharis; Fay; Baltimore; Chinchilla; Joe; Lim  
**ABSENT:** Salinas

5. 2001.0361C (SANCHEZ: 558-6679)  
**1634-44 PINE STREET** - north side between Van Ness Avenue and Franklin Street; Lot 007 in Assessor's Block 0647. Request for Conditional Use authorization pursuant to Section 712.61 of the Planning Code to allow the conversion of an automobile repair establishment to an automobile rental establishment within an NC-3 (Moderate-Scale Neighborhood Commercial) District and a 130-E Height and Bulk District.  
Preliminary Recommendation: Pending  
**(Proposed for Continuance to July 12, 2001)**

**ACTION:** Continued as proposed  
**AYES:** Theoharis; Fay; Baltimore; Chinchilla; Joe; Lim  
**ABSENT:** Salinas

6. 2001.0092E (DEAN: 558-5980)  
**1800-1822 SAN JOSE AVENUE - Appeal of a Preliminary Negative Declaration.** Proposed demolition of existing auto repair business structures, construction of two, four-story, nine-residential unit buildings, located on the north side of San Jose Avenue, between Santa Rosa Avenue and Colonial Way; Assessor's Block 3144A; Lot 31. Each

of the proposed buildings would have 800 sq. ft. of ground-story retail space. The project would provide 9 to 10 off-street parking spaces in each building. Parking garage entries would be from each of the side streets. The proposed project site is approximately 14,360 sq. ft. and is located in the NC-1 (Neighborhood Commercial Cluster District) and the 40-X Height and Bulk District. The project would require conditional use authorization by the City Planning Commission and lot split approval by the Department of Public Works  
Preliminary Recommendation: Uphold Preliminary Negative Declaration  
(Proposed for Continuance to July 12, 2001)

**ACTION:** Continued as proposed  
**AYES:** Theoharis; Fay; Baltimore; Chinchilla; Joe; Lim  
**ABSENT:** Salinas

#### B. COMMISSIONERS' QUESTIONS AND MATTERS

7. Consideration of Adoption - draft minutes of April 19 and April 26, 2001.

**ACTION:** Approved as corrected  
**AYES:** Theoharis; Fay; Baltimore; Chinchilla; Joe; Lim  
**ABSENT:** Salinas

8. Commission Matters

**Theoharis:** There was an article in the Independent Newspaper on Tuesday, June 5 regarding a proposal about Supervisor Peskin's desire to legalize in-law units. Does staff have any information on this?

**Lim:** There was a point brought up at the Finance Committee meeting regarding having the different departments work together and put together a housing strategy. Will our Department be included?

#### C. DIRECTOR'S REPORT

9. Director's Announcements

- Did not get any information prior to the release of the proposed legislation by Supervisor Peskin--there is no actual legislation drafted.
- In response to Commissioner Lim's comment--in January or February when we started the Work Program discussions we included several items that included our ongoing efforts to coordinate with other agencies on housing.
- In terms of receiving notices about the existing efforts toward base community planning, we notified the Commission about the Better Neighborhood meetings that have been and are being conducted.
- Finance Committee Meeting is open to the public on Saturday, June 16, 2001, at 9:00 at City Hall
- With regard to the Department's budget we have received the draft report from the Budget Analyst and will be commenting on that their recommendation to the Finance Committed on June 19.

10. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

- **BOS:** This past Monday the Board of Supervisors had an appeal of a Conditional Use authorization that was granted for an antenna at 501 Laguna Street. That item was continued for two weeks
- Also, there was a Conditional Use on a unit development on a rather unusual shaped site, at 19<sup>th</sup> and Oakwood. That case was heard by the Board and was continued to allow further consideration. It will be back before the Board on Monday, 6/18.

**B of A:**

- 365 - 11<sup>th</sup> Street: Was a request for a replacement entertainment permit. We will work with the Police Department to get a focus on what is reasonable in allowing background music in bars and restaurants.
- 100 - 15th Street: Upheld the Commission's decision

(GREEN: 558-6411)

11. INFORMATIONAL PRESENTATION ON LAND USE IN INDUSTRIAL AREAS that are currently subject to interim controls, and review of development activities, employment and economic trends in those areas.

**SPEAKER (s):****(-) Calvin Welch, Counsel Community Housing Organization**

- The Department is aware of the critical balance between the creation of jobs and housing--most especially matching the affordability levels of the jobs we are creating...
- Lowering housing cost by increasing housing production is not politically correct in this City
- We have to be really careful when we talk about affordable housing in this City

**(-) Jim Miko, SOMA Leadership Counsel**

- We are not anywhere near where the Mission is in this process, or even Dogpatch or other neighborhoods in the City
- Pointed out the schedule for the beginning of the base community planning efforts. SOMA Anti-Displacement Coalition will meet this Saturday, June 16, from 10 to Noon, sponsoring a community forum. It will be held at 65 9th Street.

**(-) Sue Hestor**

- Concerned about the continuation of this on every calendar to give yourself the flexibility to do things when you are ready. It is a burden on the public.
- Concerned about reopening the South of Market zoning; to undo the controls; we might have more lost jobs.

**(-) Joe O'Donoghue**

- The Housing crisis is continuing and getting worse instead of getting better
- This report is just a fiction and full of inaccuracies
- We have to change our methodology

**(-) Alice Barkley**

- Concerned about displacement
- When you change the definition of what is in the PDR, multimedia will no longer fit—it becomes offices
- Industrial Use: mixed use area is not located strictly in the industrial area, it is located in what has been for a long time a mixed use zone,
- The Moratorium and the Commission's policy did not open housing opportunity sites because the interim controls that this Commission adopted are more restrictive than the moratorium adopted by the Board of Supervisors. They (the BOS) allowed housing to proceed under Conditional Use—you wiped it out.
- As far as displacement of PDR is concerned, most of them are in vacant lands, therefore, no job displacement.

**(-) Quintin Meck,**

- Concerned that a lot of displacement has taken place in the last few years

**ACTION:** Meeting held. No action required**PRESENT:** Theoharis; Fay; Baltimore; Chinchilla; Joe; Lim**ABSENT:** Salinas**D. REGULAR CALENDAR**

## 12.

(BAUMAN: 558-6287)

HOUSING ELEMENT OF THE GENERAL PLAN - The Department has released a background report, which will provide information needed for the upcoming revisions to the Housing (Residence) Element of the General Plan. This report, Part I of the Housing Element, contains housing data and an evaluation of housing needs in San Francisco. It

is available at the Department's office, and on its web site. (<http://www.sfgov.org/planning>). This hearing will allow the Commission and the public to comment on this information and other housing policy issues.

**SPEAKER (s):****(-) Roger Brandon**

- Land should be preserved for industrial use
- Monthly rent rates should be reasonable
- There is a need for affordable housing. It would be better to maintain housing districts in city neighborhoods that are better designed for that purpose
- Change the rental policies of several real estates firms. Rent do not need to be so high
- San Francisco should remain a small city
- Hold the existing zoning controls
- There is a flaw in this report. There are too many exaggerated economic forecasts. This forecast came from the Association of Bay Area Governments.
- Avoid putting high-density development in places where you do not have many of them. By doing so, good quality living conditions in the City are reduced.

**(-) Calvin Welch, Counseling Communities Housing Organization**

- Commended the staff on their presentation
- Increasing housing construction and at the same time there is an increase in housing cost
- The goal is to maximize
- The Planning Codes is to provide a policy that links job growth, protection of existing neighborhoods, and natural population growth
- Housing that could be afforded to existing San Franciscans and those who would be working here in the future
- The greatest deficit that we've faced in the last 11 years has been in affordable housing
- We actually exceeded the projection by building 8900 market rates units,
- We have fallen short in the affordable sections of our housing elements
- That reality should motivate the formation and amendments of the existing residence element.
- How do we maximize affordable housing production? Simply approving housing development does not work in San Francisco if the goal is to maximize affordable housing for San Franciscans.

**(-) Jaime Roth, San Francisco Chamber of Commerce**

- Poll showed that most San Franciscans can not afford to live in this City
- We need to expedite the approval process; to encourage infill housing; maximize the construction of housing units next to transit; and we also need density
- We cannot allow this housing crisis to keep going
- Home ownership should be more affordable to San Francisco
- The San Francisco work force is in danger of being squeezed out of the City
- Our great City needs innovative policies to make housing and homeownership more affordable to all San Franciscans.
- 67% of the City's renters expressed that they would like to buy a home in San Francisco, but feel that homeownership is out of their reach
- 53% agreed that the City should create new programs to help middle income workers
- 53% also support increasing the density of housing along transit lines
- 1/3 of all San Franciscans are so concerned about the high cost of housing, that they considering leaving the City altogether
- Numbers speak for themselves. San Francisco voters want better housing options and they are frustrated by the high housing cost
- We just want the Commission to consider the needs and aspirations of all San Franciscans

**(-) Gabriel Metcalf, SPUR**

- Virtually everyone in City agrees that we need more affordable housing to be produced each year than we currently do
- Increasing supplies bring down the costs

- It is good for the City if we build enough housing that can meet the City's share of projected population growth
- Building housing--if it is well planed and well located--is the tool we need to strengthen the Neighborhoods. It is what allows us to support a transit-oriented City. It is what allows us to support neighborhood commercial districts
- Looking forward to see the next phase of the residence element which is going to talk about strategies--not just targets--but how we are going to achieve those targets

(-) Alice Barkley

- There are several factors that have to be considered. One is neighborhood politics.
- Families in San Francisco have dropped by 12%
- The City needs an affordable housing program
- More Middle class families would be living in the City
- Consider increasing the density where it is appropriate--giving bonuses for affordable units
- Encourage the private sector to come up with the lowest rates

(-) Sue Hestor

- Troubled by the Department's abandonment of tracking unit sizes--which comes through in repeated places in this report
- Page 6 talks about the average household size increased between 1990 and 2000, including doubling up of occupancy in existing housing units
- Page 19: the City has not collected informational housing unit sizes since 1996
- Page 18: reminded you that Live/work was 18% of the housing stock that was added from 1991 to 2000

(-) Joe O'Donohue

- Housing crisis started in 1986
- This Commission is not responsible for the shortage of housing. The shortage was created in 1986--at least that was the second phase of the shortage of housing--when we came up with the demolition controls ordinances, RCC, and RCA of the Richmond and the Sunset.
- At that time the builders pontificated about the fact that family housing was not being built because you could not build it. Just like you can't do 2 bedroom live/work units because it is a prohibited use
- For this Commission to be berated because the staff can not control the cost of building is a redundancy. Need to change the definition of affordable housing. Affordable housing is subsidized housing

**ACTION:** Meeting held. No Action Required

**PRESENT:** Theoharis; Fay; Baltimore; Chinchilla; Joe; Lim

**ABSENT:** Salinas

**ITEM 13 CALLED OUT OF ORDER AFTER ITEM # 11**

13. 2001.0232L (BORDEN: 558-6321)

1338 FILBERT STREET (aka 1338 FILBERT COTTAGES) - historically known as the Bush Cottages (1907-1930s) and the School of Basic Design and Color (1940s), north side of Filbert Street between Polk and Larkin Streets; Assessor's Block 524, Lots 31, 32, 33, and 34. Request for Planning Commission recommendation on the proposed landmark designation of four, two-story wood frame cottages sited among brick walkways, patios, and mature plantings, which was initiated by the Board of Supervisors. The subject property is in the RH-2 (Residential, House, Two-Family) District and is in a 40-X Height and Bulk District.

Preliminary Recommendation: Pending

**SPEAKER (s):** None

**ACTION:** Without hearing, continued to July 12, 2001

**AYES:** Theoharis; Fay; Baltimore; Chinchilla; Joe; Lim

**ABSENT:** Salinas

14. 2000.272E (NAVARRETE: 558-5975)  
185 POST STREET (PRADA) - Public Hearing on Draft Environmental Impact Report: On Assessors Block 310, Lot 18, the 3,600-square-foot project site, situated within the Kearny-Market-Mason-Sutter Conservation District, is occupied by a vacant six-story-plus-basement structure. The proposed project would consist of demolition of the existing 26,200-square-foot building and construction of a new ten-story-plus-basement, 130-foot tall building that would serve as the West Coast headquarters and retail store of the apparel company Prada USA. The new structure would contain approximately 39,300 square feet with part of the basement serving as storage and mechanical equipment space, display space and a reception area on the ground floor, retail space on the second through fifth levels, open space on the sixth level, showroom space on the sixth and seventh levels, office space on the eighth and ninth levels, and a private residential space on the top floor. In total, the project would provide approximately 4,400 sq. ft. of office space, 6,800 sq. ft. of retail space, 1,500 sq. ft. of showroom space, 1,700 sq. ft. of residential space, 2,250 sq. ft. of open space, and 22,650 sq. ft. of storage and other space. The site is within the C-3-R (Downtown Commercial, Retail) Zoning District and 80-130-F Height and Bulk District. Note: Written comments will be received at the Planning Department until 5:00 p.m., on June 19, 2001.

Preliminary Recommendations: No action required.

**SPEAKER (s):**

(-) Dr. Charles Thiel

- This building was constructed after 1906
- Evaluated safe after the San Andreas Earthquake
- 177 Post Street was constructed after the 1906 earthquake
- It is substantially different from the City Hall building, in that City Hall is a free standing building with no adjacent structure with which they could collide
- We at 177 Post Street are the one with which the PRADA Building may collide, if the building is not adequately designed
- Engineers indicated the separation between our buildings would be 23 inches, they indicated that this separation would accommodate the earthquake displacement, assuming that our building is a 1988 Building Code compliant structure. This assumption is erroneous
- Our building was constructed over 90 years ago, not within the last 3
- They estimated that their unrestrained building would deflect in excess of 42 inches not the 23 inches that they assumed would be adequate to accommodate the deflection of both buildings
- It is their assessment that the buildings would collide during an earthquake, creating catastrophic results--both to each of the buildings and to the public itself
- The increase of vulnerability to our building and the public by the development decision today, is unacceptable
- Requested that the Draft Environmental Impact assessment report, be revised, to add mitigation measures to protect the adjacent buildings and the public.
- Require the Developer to design a new building, so the seismic performance does not pose an earthquake damage threat to adjacent buildings
- Require the Developer to provide that the adjacent building owners be technical peer reviewers of the proposed design documents; if the technical peer review has unresolved issues, the Director of the Building Department should be advised--who then should advise on how to resolve these issues prior to issuing the building permits

(-) Thomas P. Dove

- There are current design violations that are not adequately addressed in the EIR
- Believed the current design violates the CEQA, particularly sections 21084.1 and 15064.5 subsection (b)
- Also believed that current design violates City Planning Code, Article 11, the project is incomperable with the requirements of the C-3 District
- Earthquake safety here is very questionable

**(+) Jason Duckworth**

- Lives a few blocks away from the site
- Urge the Commission to approve the EIR
- Would increase the value of neighborhood buildings
- Are we destroying something that is really valuable to the architecture of this great City?

**(+) Mark Donohue**

- EIR is clear and meets design guidelines
- Proposed building would indeed be different from its neighbor. It would, as the EIR suggests, not meet certain guidelines for the conservation district in which it is located
- As an architect feels in this case, the differences offered by this project are not a bad thing, but rather a good thing
- The draft EIR identified two areas within the historical architectural resources category that the PRADA Building would be different from the guidelines of the district and therefore have a significant impact in the character of the district.

**(+) David Meckel, Dean Architectural School at CCAS**

- The economic, social and urban vitality of cities can only be maintained through renewal and regeneration
- The nature of retail further emphasizes this need, which is recognized in section 5a through the description of Area of History
- The evaluation of the map under the title "Progressive Development of KMNS District", dated December 2000, showed 5 categories. The category of 1946 - 1980 makes up only 9.6% of the buildings in the district. It is this category that holds most of the unlisted buildings and provides the opportunity for increased fatalities

**ACTION:** Public hearing closed. Meeting held. No action required

**AYES:** Theoharis; Fay; Baltimore; Chinchilla; Joe; Lim

**ABSENT:** Salinas

- 15a. 2000.660BX (CRAWFORD: 558-6358)  
35 HAWTHORNE STREET - Assessor's Block 3735 Lot 047, north side of Hawthorne Street between Howard and Folsom Streets. Planning Code Sections 320-325 (Office Development Limitation Program) for allocation of up to 40,350 gross square feet of office space for an 11-story building within a C-3-O (SD) (Downtown, Office, and Special Development) District and within a 150-S Height and Bulk District. The Project will demolish an existing one story parking building and construct a 10 story building including 40,350 gross square feet of office space, 2,800 square feet of retail space and one residential unit.

Preliminary Recommendation: Approval with conditions

**SPEAKER (s):****(+) Jim Webber, Co-Owner**

- Has managed and developed the property since 1978. Considered the proposed project to be a logical and appropriate final development phase on the L shape parcel of the corner of Hawthorne and Howard Street
- Feel that this proposal will enhance the City
- Thanked the Planning staff for the help and numerous applications in the last year and a half and especially comments and criticisms that we feel very much enhanced the building

**(+) Andrew Lewisky, Project Architect**

- Gave an overall description of the project

**(+) Joshua Freewall, Co-Owner**

- This is a meritorious project. Encouraged Commission to approve it

**ACTION:** Approved

**AYES:** Theoharis; Fay; Baltimore; Joe; Lim

**NAYES:** Chinchilla;

**ABSENT:** Salinas

**MOTION No.** 16174

- 15b. 2000.660BX (CRAWFORD: 558-6358)  
35 HAWTHORNE STREET - Assessor's Block 3735 Lot 047, north side of Hawthorne Street between Howard and Folsom Streets. Request under Planning Code Section 309 (Downtown Code) for Determinations of Compliance, and for exceptions as provided under Section 309.a to (1) allow a 5 foot setback from the interior property line above the 103 foot building base where 15 feet are required, to (2) allow no setback from the rear property line at the level of the residential unit where a 28 foot setback is required and to (3) allow wind currents to exceed the permitted maximum of 11 miles per hour at the pedestrian level. The Project will demolish an existing one story parking building and construct an 11-story building including 40,350 gross square feet of office space, 2,800 square feet of retail space and one residential unit. This project lies within a C-3-O (SD) (Downtown, Office, Special Development) District and within a 150-S Height and Bulk District.

Preliminary Recommendation: Approval with conditions

SPEAKERS: Same as those listed in item 15a.  
ACTION: Approved  
AYES: Theoharis; Fay; Joe; Lim  
NAYES: Chinchilla; Baltimore  
ABSENT: Salinas  
MOTION No. 16175

- 16a. 2000.863CV (WONG: 558-6381)  
2712 MISSION STREET - west side between 23rd and 24th Streets, lot 003 in Assessor's Block 3643. Request for Conditional Use Authorization for a "Public Use", pursuant to Planning Code Section 712.83. The proposal is for the renovation and expansion of an existing 27,831 gross-square-foot retail building into a 32,000 gross-square-foot building by enlarging a mezzanine within the existing structure. The City and County of San Francisco Public Health Department intends on operating an outpatient mental health clinic at this location. The subject property falls within a NC-3 (Moderate-Scale Commercial Zoning) District and a 50-X/80-B Height and Bulk District Preliminary Recommendation: Approval with Conditions

**SPEAKER (s):**

**(+) Warner Schmail, Project Architect**

- Gave a general description of the project

**(+) Manuel Vasquez**

- Better accessibility to neighbors
- Would enhance the Mission District
- This would enhance the accessibility to senior citizens that do not have access to health care

**(+) Sergio Canjura**

- Full support of this project
- Services provided by this health center would help the neighborhood
- Encouraged the Commission to approve this project

**(+) Linda Wong**

- Personally involved for the last 6 years to find sites for the adult city programs in the Mission
- In this site we would have the three service program together
- Transportation is very good in the area
- No concerns of whether frail elderly would be willing to come to this site
- We have home visiting to our sick/elder patients

**(-) Sara Davis**

- Concerns about the traffic and parking

**(-) Bruce Olson, Social Worker**

- Putting a program for the elderly in the basement is very inappropriate. This basement is 275 feet long. There would be only 2 bathrooms to serve staff and elderly patients. Other bathrooms are at the far end
- There is no parking for the staff nor the patients

**ACTION:** Approved with conditions  
**AYES:** Theoharis; Fay; Baltimore; Chinchilla; Joe; Lim  
**ABSENT:** Salinas  
**MOTION NO** 16176

- 16b. 2000.863CV (WONG: 558-6381)  
2712 MISSION STREET - west side between 23rd and 24th Streets, lot 003 in Assessor's Block 3643. The subject property seeks a parking variance for the reduction of required off-street parking from 57 to 6 spaces, pursuant to Planning Code Section 151. The project proposes to provide 6 parking spaces (4 independently accessible parking spaces and 2 tandem spaces) for approximately 15,769 square feet of occupied outpatient clinic space and approximately 9,864 of administrative space on a site which presently provides no off-street parking spaces. The total proposed occupied floor area equals 25,633 square feet. Under Planning Code Section 151, the proposed uses require a total of 72 off-street parking spaces, where 1 off-street space is required for every 300 square feet of occupied clinic space and 1 off-street space is needed for every 500 square feet of occupied administrative space. The project receives a legal parking credit of 15 spaces for the previous retail use, pursuant to Planning Code Section 150 (d). After applying the legal parking credit, 57 off-street spaces are required. The subject property falls within a NC-3 (Moderate-Scale Commercial Zoning) District and a 50-X/80-B Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

**SPEAKERS:** Same as those listed in item 16a.

**ACTION:** The Zoning Administrator closed Public Hearing and granted the variance subject to a condition that the sponsor make a good faith effort to secure parking in the area and report back on the progress that is made.

AT APPROXIMATELY 5:40 PM THE PLANNING COMMISSION CONVENED INTO A DISCRETIONARY REVIEW (DR) HEARING TO HEAR AND ACT ON DISCRETIONARY REVIEW MATTERS.

17. 2001.0198D (NIKITAS: 558-6306)  
25 RICO WAY - between Avila Street and Retiro Way, Lot 0439A in Assessor's Block 052. Request for Discretionary Review of Building Permit Application No. 2000/11/03/4794. The proposal is to demolish an existing two-story residence and construct a new three-story single-family home in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take DR and approve project as revised by the project sponsor.

(Continued from Regular Meeting of May 10, 2001)

Note: On May 10, 2001, following public testimony, the Commission closed the public hearing and passed a motion to continue the matter to June 14, 2001, to revise the design facade, by a vote +5 -0. Commissioner Fay was absent. Public Hearing is closed but will be reopened for comments on new design only.

**SPEAKER (s):**

(+) Alice Barkley,

- Gave a description of the new façade design of the project

(-) Patricia Vaughay

- Neighbors got these new changes just yesterday

- Asked for a two week continuance
  - There has not been a chance to talk with the new architect regarding the new proposed changes
- (-) **James Meyers**
- Elevator shaft would have to go—just as the Commission asked the last time this item was before you
  - Materials that the Commission considered changing have not been changed.
- (-) **Kelly Dyke**
- Agree with Patricia Vaughney that continuing this case is the best thing. It will be fair
  - They haven't given us any information about the new revision we received just yesterday
  - Thrilled that there won't be an elevator shaft
  - This will block our view and light
- (-) **Cathy Sernovich**
- Do not approve this project
- (-) **Louise Baldochi**
- Proposed project should preserve the marina architecture

**ACTION:** Take DR and approve project with modifications shown in Exhibit 'B' by Hank Bruce Architects dated June 6, 2001.  
**AYES:** Theoharis; Fay; Baltimore; Chinchilla; Joe; Lim  
**ABSENT:** Salinas

#### ITEM 18 CALLED OUT OF ORDER AFTER ITEM # 22

18. 2001.0147D (NIKITAS: 558-6306)  
2645 BAKER STREET - west side between Union and Green Streets; Lot 003 in Assessor's Block 0949. Requests for Discretionary Review of Building Permit Application Nos. 2000/10/19/3483 and 2000/10/19/3487 to demolish a three-story residence and build a new four-story, two-family home in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary recommendation: Do not take Discretionary Review and approve the project as submitted.  
(Continued from Regular Meeting of May 17, 2001)

**SPEAKER (s):**

- (+) **Robert McCarthy**  
- With the cooperation all of the parties including Mr. Williams, we were able to reach a resolution, which we think includes most of the good neighbor policies
- (+) **Steve Williams**  
- On behalf of the DR requestor, we have reached a written settlement agreement.  
**ACTION:** No action taken. The request for Discretionary Review is Withdrawn  
**PRESENT:** Theoharis; Fay; Baltimore; Chinchilla; Joe; Lim  
**ABSENT:** Salinas

19. 2001.0385DD (TAM: 558-6325)  
228 CHENERY STREET - Staff initiated and a neighbor's Discretionary Review request on building permits 2000/12/28/8738 and 2000/12/28/8823 to demolish an existing one-story, single-family dwelling, and construct a new three-story over garage, two-family dwelling, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

**SPEAKER (s):** None

**ACTION:** Without hearing, continued to 6/21/01  
**AYES:** Theoharis; Fay; Baltimore; Chinchilla; Joe; Lim

**ABSENT:** Salinas

20. 2001.0487D (WOLOSHYN: 558-6612)  
2158-60 FILBERT STREET - north side of the street between Fillmore and Webster Streets; Lot 032 in Assessor's Block 0516. Staff-initiated Discretionary Review of Building Permit Application Number 2001/0215/2255S, proposing to reduce the legal number of dwelling units from 2 to 1, in an RH-2 (Residential House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and disapprove the application.

**SPEAKER (s):**

(+) **Mark Thomas, Architect for the project**

- This project complies with the Department's criteria
- No occupants should be displaced
- This project is consistent with the San Francisco Master plan
- This would give the opportunity to a lot of families to live and work in the City

(+) **Barbara Anderson, Property Owner**

- Lived on her property since 1992
- Would like to raise her family and provide them with adequate affordable housing

**ACTION:** Take Discretionary Review and disapprove

**AYES:** Theoharis; Fay; Baltimore; Chinchilla; Joe; Lim

**ABSENT:** Salinas

21. 2001.0498D (WOLOSHYN: 558-6612)  
2339 GREEN STREET - north side between Steiner and Pierce Streets; Lot 041 in Assessor's Block 0559. Request for Discretionary Review of Building Permit Application Number 2001-0130-0997S, proposing to add a one-story deck, with a depth of six feet, at the rear of the existing house, in an RH-2 (Residential House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

**SPEAKER (s):**

(+) **Judith Branch, Property Owner**

- Approve this project with the tentative compromise agreement of a 4-foot setback
- (+) **Ellen Wise**
- Thanked the Department for being so helpful during this difficult process

**ACTION:** Take Discretionary Review and approve with a 4-foot setback on the side of the DR requestor

**AYES:** Theoharis; Fay; Baltimore; Chinchilla; Joe; Lim

**ABSENT:** Salinas

- 22a. 2000.138DV (WANG: 558-6335)  
4038 17TH STREET - north side between Castro and Douglass Streets, Lot 011 in Assessor's Block 2623. Request of Discretionary Review of Building Demolition Permit Application No. 9814005 and Building Permit Application No. 9814006. The proposal would alter an existing vacant one-story over garage, single-family dwelling into a three-story over garage, three-family dwelling in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. Note: This project was previously heard by the Commission on April 6, 2000 and May 10, 2001, respectively. Following public testimony on April 6, 2000, the Commission moved to continue the hearing indefinitely, so the Project Sponsor could develop a design that (1) does not

require demolition of the existing structure (the demolition building permit application will be withdrawn by the project sponsor); (2) retains a substantial portion of the front part of the Victorian house; and (3) allows three dwelling units to be constructed on the site. The revised project proposes to retain approximately 42 feet of the front of the existing building which includes both exterior side walls and some of the interior walls. The existing facade would be preserved and moved forward by approximately 3 feet 4 inches and lowered by approximately 4 feet. The facade would be attached to a reinforced and expanded structure constructed between its new location and the existing portions of the sidewalls, which are to remain in place. The sidewalls would be extended downward by approximately 4 feet and the 3-foot 11-inch parapet would be removed. The revised project would further include building additions above and behind the retained portion of the existing building, resulting in a three-story over garage, three-family dwelling. The revised project would also require the justification of a rear yard variance, which will be heard by the Zoning Administrator concurrently with the discretionary review.

Preliminary Recommendation: Because the revised project has been determined by the Department of Building Inspection to not require a demolition permit under the Building Code, the Planning Department believes that it is consistent with the Commission's instruction to not demolish the existing house as communicated on April 6, 2000. However, as to whether or not, the proposal is consisted with the Commission's second instruction of substantial retention of front part of the building must be a decision of the current members of the Commission. No specific positions or instructions were provided on April 6, 2000. In evaluating whether substantial retention has been achieved, the Commission should consider the removal of the front facade from the foundation (temporary storage off-site) and reattaching a restored facade 3 feet forward and 4 feet lower than the current location. It is the Department's position that the restored facade can and should be reattached at the existing location with some minor alteration at the base to accommodate the modified driveway entrance.

#### SPEAKER (s):

##### (+) Amanda Lewis

- Urged the Commission to approve this project
- On 4/6/00, the Commission asked us to come with a new design
- The Commission did not say that the façade was going to be removed
- Instructed to keep in character with the neighborhood
- Moving it forward provides better light
- Accommodate the driveway
- Replacement of windows on the second floor
- Design is as requested by the Commission
- The façade is kept with the other restrictions

##### (+) Judith Hoyem - DR Requestor

- Over 900 people signed a petition to save this house
- Plan does not show a substantial portion retained
- How can the façade be preserved?
- Moving it forward is not keeping the house
- They will be building two stories on top of the building
- Asked that the new construction start 32 feet back
- Variance on the side they have the stairway right on the rear
- We ask to approve this 3 units building, but with conditions

##### (+) Mark Ryser

- I have followed this project since November 1998, and wrote to the Commission in April '99, March '00 and most recently on 6/5 of this year
- Hope you had chance to look at the letter of 5/29 sent to Ms. Lewis
- Commented on the retention of historic preservation
- Community will not compromise. The community did not resist the project sponsor's desire to redevelop this site; they did not demand the retention of the existing building
- Project sponsor had conceptions, and maintained a substantial part of the building

**(+) Paul Duchscherer, Architectural historian**

- Its is important to know in what context the house was built
- The façade in the current position was part of the integrity of the streetscape

**(+) Felix Smith**

- This sound like a demolition, it is a violation of the instruction of this Commission

**(+) Lucia Bogatay**

- This commission should uphold the decision of the previous Board, which in her reading required substantial retention of the building, not a substantial retention of the front of the building
- They should hire an architectural preservation specialist

**(+) Will Prague**

- One of the problems we have with dealing with a lot of projects coming through Planning and Building is the definition of terms
- What is a façade? Is it an architectural treatment or is it structurally part of the building?
- This building was hand built literally piece by piece

**(+) Gustavo Serina**

- Supports the former Commission's decision made on April 6
- Moving this façade causes enormous risk
- Moving this façade is not necessary to accommodate the construction of the 3 expensive condominiums that have been proposed
- We do not want a demolition
- Honor the intent as well of the letter of the original ruling

**(-) Vicki Rosen, President, Upper Noe Valley**

- Support the Discretionary Review applicant
- Please retain a substantial portion of the Victorian building,
- Preserve the façade. It is a beautiful streetscape. It is part of San Francisco's historical architecture

**(+) Mark Benjamin**

- Support the Discretionary Review requestor
- Moving the façade would destroy the character of the neighborhood
- Several homes in the area that have done remodeling have kept totally within the character of the neighborhood. This particular project does not preserve the character or the architecture of the rest of the homes in that block
- Support the original Planning Commission decision
- Asked the Commission to review the Discretionary Review requestor's plan for the building

**(+) Steve Bartoletti**

- Planning Commission voted unanimously a year ago, over a thousand people signed petitions
- Sponsor is trying to circumvent the unanimous ruling of the Commission
- The Commission and the neighborhood agreed to support a variance that would benefit the sponsor, allowing him to build deep into the lot. But this was in exchange for preserving the front half of the 100 year old Victorian

**(+) Dennis Richard**

- Urged and reaffirmed the decision that was made last year
- We do need housing in the City. Supported the compromise agreement

**(+) Andrew Laws**

- Asked the Commission to uphold the previous decision
- Preserve the front of the house. There will not be alterations to the front of the house

**(+) Scott Larimer**

- This is a demolition, and is not in the spirit of the original ruling
- If we follow this ruling, everybody will be happy

**(+) Erin Day**

- Opposed to the current plans proposed by the current owner
- Uphold Commission decision from last year

**(+) Freddie Niem**

- Lived one block south of the proposed project

- A lot of Victorian houses have been demolished in our neighborhood, especially in recent years.
- We need to preserve the history of this City

**(+) Joe Butler**

- Retain the front portion of the house. It was built in 1888.
- Sponsor not only incorporated the rear addition in square footage, but adds one to two stories to the front of the building

**(+) Bill Kostura**

- In the course of his work he has to evaluate historic buildings sometimes--deciding whether they have local, state, or national significance. As he travels he has gained more prospective about San Francisco Victorians. There is not another city made of wood. San Francisco is very unique in the Country because many of our houses was/is made out of wood
- You do not see this kind of housing in the entire country
- In Oakland most of the Victorians are gone. In San Francisco we should consider our Victorians a national treasure

**(+) Courtney Clarkson**

- Retain the building that could never be replicated

**(+) Robert Bregoff**

- Support the Discretionary Review applicant
- Saving a substantial part of the project is really important to the neighborhood

**(+) Jannine Przyblyski**

- Please preserve the neighborhood character
- This is a demolition. This will destroy the existing house, destroying the precious example of our Victorian heritage and disrupt the relation with other Victorian houses in the neighborhood
- The community is fighting for the soul of the neighborhood. Fighting for a city that cares about its history and honors its past, and understand that what distinguishes a great city from a mediocre one, are the accumulated layers of architectural history.

**(+) Richard McRree**

- Opposed the response from the developer
- Retain the façade of the building
- Needs to be send back to the drawing board

**(+) Steve Williams**

- It is against the law for an owner to let a building deteriorate deliberately
- Urged the Commission to not reward deliberate damage to the building in order to obtain a demolition permit.

**(-) Rachael Briya**

- Preserve the architectural history of this beautiful City
- Approve the project. Project would increase density. The owner has worked to do what this Commission asked him to do
- Owner has demonstrated that he is willing to save the integrity and character of the building

**(-) James Cassiol**

- Unbelievable that this project has gone this far
- Project sponsor has compromised
- Allow this project to go forward. Do not delay it more. This City needs housing

**(-) Margaret Brown**

- This is a neighborhood with a mixture of buildings
- This building is not a jewel. It is a dilapidated building
- Property owner tried to compromise
- It is an attractive design
- Support the property owner

**(-) Taylor Walker**

- The project maintains the character of the block
- It maintains the scale and architectural history of the building
- It would add much needed housing to a major urban transportation hub
- It preserves significant parts of the old building, including all the characteristic defining features

- (-) **Nolan Griffin**
  - Permit the proposed improvements to this property
  - We have a tremendous housing shortage in the City.
  - Urged the Commission to approve this project
- (-) **Adele Zierler**
  - Housing is so short in the City and neighbors are not realizing it will enhance their property
  - Urged the Commission to approve the project
- (-) **Joan Bard**
  - It will enhance the neighborhood
- (-) **Robert Roper**
  - Supports project that is being proposed
  - This is a real benefit to the City
  - City needs additional housing
  - Approve this project
- (-) **Nancy Stamm**
  - Plans had gone through a variety of changes
  - Plans before you have been compromised, and we believe it is a very good compromise
  - Retained a substantial portion of the old house and the original façade to accommodate many of the concerns raised of the DR applicant
  - Tried very hard to situate the building on the property site, to preserve the look of the original house in the neighborhood

The existing building is not a landmark. It is an old structure
- (-) **David Meisner**
  - Supports project
- (-) **Ken Ralph**
  - Supports project
- (-) **Chip Doyle**
  - This is a great project
  - Recommends that the Commission accept this wonderful project
  - Would maintain the charm of the area
- (-) **Unknown speaker**
  - Supports project
- (-) **Robert Walter, Architect for the Project**
  - The reason for moving the building down is very essential--the current stairs that go to the building are very steep and in order to bring them to code but appear the same, we brought the building forward.
  - There are other reasons why we lowered the building--the windows on the second floor would be 5 feet high

Trying to do a good project within the constraints we were giving was a challenge
- (-) **Richard Pirner**
  - Support the original design of the project
- (-) **Ed Cramer**
  - Supports the project--either the original project or as proposed today. This is really an eyesore to look at it.
  - In favor of restoring or building a new structure

**ACTION:** Take Discretionary Review and approve with modifications:

- "The revised plan shall involve the retention of at least 25 feet of the existing building measured from the face of the front bay window. The second and third floors of the new building shall commence at least 25 feet from the face of the front bay window."
- The reviewed plan must keep the retained portion of the house within the original footprint and at the existing elevation. The retained portion of the house (shall) be restored to Secretary of the Interior standards as used by the Planning Department
- They (the project sponsors) should retain a preservation specialist to advise them during the process of retention and construction.

- The revised plan will include a five-foot setback along the rear side property line to retain the accommodation for the property-line windows (of the adjacent house)

**AYES:** Theoharis; Fay; Baltimore; Chinchilla; Joe; Lim  
**ABSENT:** Salinas

- 22b. 2000.138DV (WANG: 558-6335)  
4038 17TH STREET - north side between Castro and Douglass Streets; Lot 011 in Assessor's Block 2623 in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. REAR YARD VARIANCE SOUGHT: Subject to Discretionary Review by the Planning Commission, the current proposal is to alter an existing vacant one-story over garage, single-family dwelling by remodeling it into a three-story over garage, three-family dwelling in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. Note: This project was previously heard by the Commission on April 6, 2000 and May 10, 2001, respectively. Following public testimony on April 6, 2000, the Commission adopted a Motion to continue indefinitely, so the Project Sponsor could develop a design that (1) does not require demolition of the existing structure, (2) retains a substantial portion of the front part of the Victorian house and (3) allows three units to be constructed on the site. The revised project proposes to retain approximately 42 feet of the front of the existing building, which includes both exterior side walls, and some of the interior walls. The existing facade would be preserved and moved forward by approximately 3 feet 4 inches and lowered by approximately 4 feet. The facade would be attached to a reinforced and expanded structure constructed between its new location and the existing portions of the sidewalls, which are to remain in place. The sidewalls would be extended downward by approximately 4 feet and the 3-foot 11-inch parapet would be removed. The revised project would further include building additions above and behind the retained portion of the existing building, resulting in a three-story over garage, three-family dwelling. The revised project would also require the justification of a rear yard variance which will be heard by the Zoning Administrator concurrently with the discretionary review.

Section 136(c)(25) of the Planning Code allows enclosed and unenclosed extensions of buildings, as permitted obstructions, to extend no more than 12 feet into the required open area, provided that the structure shall be limited to a height not exceeding the floor level of the second floor of occupancy, excluding the ground story, at the rear of the building on the subject property, in which case the structure shall be no closer than 5 feet to any interior side lot line. Section 134(c) requires a minimum rear yard of approximately 35 feet, measured from the mid-point of the rear property line for the subject lot. The new addition to be constructed behind the retained portion of the front part of the existing building would be three stories tall, extending 12 feet into the required rear yard to be within approximately 33 feet 6 inches of the rear property line and would encroach entirely into the required 5-foot separation from the east side lot line and from the west side lot line, respectively.

**SPEAKERS:** Same as those listed in item 22a.

**ACTION:** The Zoning Administrator closed the Public Hearing and has granted the Rear Yard Variance

## G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) Responding to statements made or questions posed by members of the public; or
- (2) Requesting staff to report back on a matter at a subsequent meeting; or
- (3) Directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**SPEAKERS:** None

Adjournment: **8:30 p.m.**

**THE DRAFT MINUTES WERE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, AUGUST 16, 2001.**

**SPEAKERS:** None

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas

**ABSENT:** Theoharis

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21/01

# SAN FRANCISCO PLANNING COMMISSION

## Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, June 21, 2001

1:30 PM

Regular Meeting

AUG 23 2001

SAN FRANCISCO  
PUBLIC LIBRARY

PRESENT: Theoharis; Fay; Baltimore; Chinchilla; Joe; Lim; Salinas

THE MEETING WAS CALLED TO ORDER BY PRESIDENT THEOHARIS AT 1:50 P.M.

STAFF IN ATTENDANCE: Gerald G. Green - Director of Planning, Larry Badiner - Zoning Administrator, Isolda Wilson; David Alumbaugh, Amith Ghosh; Sam Assefa; Tina Tam; Alison Borden; Scott Sanchez; Michael Kometani; Paul Maltzer; Patricia Gerber - Transcription Secretary; Linda D. Avery - Commission Secretary

A. ITEMS PROPOSED FOR CONTINUANCE

1. 2000.1261EC (WANG: 558-6335)  
4501 IRVING STREET, southwest corner of Irving Street and 46th Avenue; Lots 047 and 049 in Assessor's Block 1801 - Request for Conditional Use authorization under Planning Code Sections 121.1 and 710.11 to develop a new, four-story, mixed-use building, including approximately 1,800 square feet of ground floor commercial space and ten dwelling units on three upper floors, on two lots totaling approximately 8,250 square feet in area within an NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Approval with conditions  
(Proposed for continuance to June 28, 2001)

ACTION: Continued as proposed

AYES: Theoharis; Baltimore; Chinchilla; Fay; Joe; Lim; Salinas

2. 2001.0234D (SANCHEZ: 558-6679)  
2801-2825 CALIFORNIA STREET - southwest corner at Divisadero Street; Lot 001 in Assessor's Block 1028 - Request for Conditional Use authorization pursuant to Section 711.83 of the Planning Code to install a total of three antennas and GPS receiver on the roof with related connection to an equipment shelter within the basement of an existing three-story, mixed-use building, as part of Sprint PCS's wireless telecommunications network within an NC-2 (Small-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District. As per the City & County of San Francisco's Wireless

Telecommunications Services (WTS) Facilities Siting Guidelines the proposal is a Preferred Location Preference 5 as it is a mixed-use building within a high-density district.  
Preliminary Recommendation: Pending  
(Continued from Regular Meeting of May 24, 2001)  
**(Proposed for continuance to August 2, 2001)**

**ACTION:** Continued as proposed  
**AYES:** Theoharis; Baltimore; Chinchilla; Fay; Joe; Lim; Salinas

## B. COMMISSIONERS' QUESTIONS AND MATTERS

3. Consideration of Adoption - draft minutes of May 10, 2001.

**SPEAKER (S):** None

**ACTION:** Approved

**AYES:** Theoharis; Baltimore; Chinchilla; Fay; Joe; Lim; Salinas

4. Commission Matters

**Commissioner Lim:** Urged the Finance Committee of the Board of Supervisors to approve the Planning Department's Proposed Budget

## C. DIRECTOR'S REPORT

5. Director's Announcements

- Gave a status report regarding to the Department's proposed budget before the Finance Committee
- 19<sup>th</sup> and Oakwood – 43 residential units – Compromise proposal was submitted and was continued to Monday June 25, 2001 to allow the public to comment on the compromise proposal.
- Housing Land Use and Transportation Committee – Legislation sponsored by Supervisor Tom Ammiano would create Interim Zoning within the Mission District. Director appeared before the Board Committee on 6/20 to comment on this legislation and to communicate that the Department carried out the necessary review.

6. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

- Zoning Administrator represented the Department at the Building Inspection Commission's Unlawful Demolition Subcommittee on Tuesday 6/19 to address the concern about "Unlawful Demolition"

**B of A: None**

7. Presentation on Controller's Office Audit and Department's response.

**SPEAKER (s):**

**(-) Sue Hestor**

- Planning Department should get out of the business of handling money. This department is not set up as a money handling department
- Controller's Audit did not identify a problem that she was able to identify--which is the Planning Department staff does not understand the provisions of transit impact fees, which covers not only offices but also business services
- There are no close-out procedures for files. The Department needs to close them out and notify the appropriate agencies

**(-) Alice Barkley**

- We do not need to create another Department to solve these problems
  - The School District does very well. They do not issue your site permit or your building permit until you pay the fees
  - Since most impacts do not happen until the building is completed and people moved in, and since DBI is the collecting agency, they [DBI] should have within their tickler system a way to know whether or not the fees have been paid before they issue any permits of occupancy or certificate of occupancy whether it is temporary or permanent.
- (-) **Phil Donohue**
- Does seem to him that the Controller's Office is doing a good job, the entire process has been politicized

8. 2001.0609  
455 MARKET STREET - KELLER GRADUATE SCHOOL OF MANAGEMENT  
Assessor's Block 3709 Lot 012. Request under Planning Code Section 304.5(c) receipt of application for an Abbreviated Institutional Master Plan, for a graduate level management degree program occupying no more than 10,000 square feet of space in an existing office building.

Preliminary Recommendation: The Department recommends that the Planning Commission not hold a public hearing on this request.

**SPEAKER (S):** None

**ACTION:** No public hearing will be held

**AYES:** Theoharis; Baltimore; Chinchilla; Fay; Joe; Lim; Salinas

9. (ALUMBAUGH: 558-6601)  
SAN FRANCISCO FEDERAL OFFICE BUILDING - Informational presentation on the conceptual design of the proposed new Federal Office Building at Seventh and Mission Streets.

Preliminary Recommendation: None. Informational only, with no staff endorsement  
**(THIS ITEM WAS TAKEN OUT OR ORDER AND FOLLOWED ITEM #10.)**

**SPEAKER (S):**

(+) **Maria Ciprazo, GSA**

- Hopes the Commission will share our enthusiasm for this long waited project
- This federal project not only rethinks the office building prototype, but also creates a new place--a destination within the City's fabric
- This will become a catalyst for change
- The creation of community space that is within the complex is intended to facilitate a critical mass of people to come into the area to make use of not only of the federal services but the facility in and of itself. It is to enlighten a San Francisco neighborhood that has been lacking a public use space for many years
- In July 2000, GSA gained title to the site on 7<sup>th</sup> and Mission. At this location, we were given an opportunity to showcase our historic 9<sup>th</sup> Court of Appeals by developing a structure that serves and frames the beauty of the Court House as well as preserves view corridors

(+) **Tom Mayne, Project Architect**

Gave a detail description of the project

(+) **Catherine Dodd, District Director for Congresswoman Nancy Pelosi**

- We are losing a lot of Federal employees to Oakland and Richmond. We have lost the Social Security Administration, Drug Administration and several others. We are soon to lose the National Park Service Office from San Francisco because of the high cost of office space and the lack of Federal office building space.
- This proposal is a very slender building.
- It will reflect the sky and the historic buildings surrounding it.
- It would be a very active plaza
- Embrace this new design

(+) **John Anderson, Federal Employee**

- Believed this new plaza would be very nice and very different from United Nations Plaza
- Would be a very safe place to work

(+/-) **Michael Levin-**

- Ever since he first heard about this many years ago, especially with the jewel building across the street--Old Court of Appeals, and the glorious City Hall, he felt it might be fair to compare our government buildings with the best government buildings in Washington D.C.
- Hoped to see a building that would be complimentary to the glorious Court of Appeals
- He is greatly pleased by the large plaza because it affords one a view to the beauty of the Court of Appeals, and because of the open space
- He has a problem with the design. Does not believe it complements the Court of Appeals in any way. It is slender from the east-west perspective--that is certainly a plus, but from north and south it is a huge rectangular mass that appears not to blend with the rest of the buildings in the neighborhood

(+) **Jim Haas**

- This building is essential to the east side of the Civic Center and Mid-Market area with the 3000 employees and the agencies that are going to be there
- The building should try to connect 7<sup>th</sup> Street to Civic Center--which has been a goal going back before the 1906 earthquake when the Court of Appeals was built
- The Federal Government is giving us an opportunity to try something new for a change
- Have concerns mainly about the plaza
- This project will bring thousands of new people to this area. Although it is in a transit corridor, the building itself virtually won't have any parking. Parking will become a chaos

(-) **Lu Blazej**

- I had seen many projects—private and government projects. It has been a long standing policy that both the Federal and State government, even though they are exempt from local laws and ordinances, respect those law and ordinances.
- Clearly the massing and the lay out of this project do not meet the provisions of the Downtown Plan. The Downtown Plan and the planning process is for the whole City. The State and Federal government should respect what is [established to guide development] for San Francisco.
- Surprised that GSA came before you with a project that so exceeds what the policy and guidelines are. It is unbelievable.
- This is totally disrespectful to what the Planning Code stipulates

(-) **Robert Meyers**

- Agreed with the former speaker
- We might as well throw the Urban Design Plan and Larry Badiner's Downtown Plan out of the window if this project is approved
- Open space and energy conservations are terrific
- It is mainly the mass on Market Street. This mass would create terrible shadows on Market Street.

**ACTION:** No Action Required

**AYES:** Theoharis; Baltimore; Chinchilla; Fay; Joe; Lim; Salinas

#### D. REGULAR CALENDAR

10.

(WILSON: 558-6602)

Planning Commission consideration of adoption proposed changes to the rules for the 2001-2002 Office Development Annual Limitation Program.  
(Continued from Regular Meeting of June 7, 2001)

**(THIS ITEM WAS TAKEN OUT OF ORDER AND FOLLOWED ITEM #8.)**

**SPEAKER (S):**

(-) **Sue Hestor**

- Suggested that the hearing/decision should be continued at least a week
- Just got information yesterday and there is a significant change
- Need to have an integrated list of projects

**ACTION:** Continued to 7/12/01  
**AYES:** Theoharis; Baltimore; Chinchilla; Fay; Joe; Lim; Salinas

11. 2001.0602 E, T, Z (GREEN: 558-6411)  
Permanent Industrial Protection Zone - Proposed initiation of an amendment to create a Permanent Industrial Protection Zone as a special use district in the industrially-zoned lands within a multi-block area generally bounded by Bayshore Avenue, 26<sup>th</sup> Street, 25<sup>th</sup> Street, Iowa Street, Tubbs, 22<sup>nd</sup> Street, San Francisco Bay, Islais Creek, Third Street, Evans, Rankin, Phelps, Oakdale, Selby, and Helena; and proposal to hold a public hearing on said proposed amendment no less than 20 days following initiation of the amendment.

**SPEAKER (S):**

(+) **Alice Barkley**

- Glad to see that the Department is moving forward with this legislation
- What the Department has right now, in a way, makes it even more restrictive in some of the IPZ areas than what is being proposed by the Board of Supervisors in terms of housing.
- The Department should really look at this map. Agreed that there are some areas where there should not be any housing at all. But there are some pockets that at a minimum, the staff should allow non-profit, totally affordable housing to go forward. Make it double the density for affordability

(+) **Lu Blazej**

- Glad that this is moving forward

(+) **Joe O'Donoghue**

- Good that this is getting concrete planning like this, but unfortunately, this going down the same path.
- Unlike in the past, when there was more money available to the Department and the Board of Supervisors had some interest in solving the housing and job issues, we have now constraints on the Department.
- One of the problems we have is that the model, which we had set up, is deficient. We should, as part of the model, when we give the number of the many possible jobs, we should also put a tax dollar increment as revenue to these figures, especially in terms of housing. Because the fact is that job and housing production and property tax revenue is the economy engine that in fact provides 90% of the revenue to this City.

(-) **John Sanger**

- Unfortunately this is moving forward and no analytical foundation has been established whatsoever, either on land use analysis or economics for this proposal
- It took fifteen years through the 60s and 70s to change the City's zoning and get rid-off of the provisions on housing and mixed use in Industrial districts.
- This is been unfairly presented.
- This isolated the residents of these areas including the traditional Dogpatch neighborhood which is located immediately adjacent to the Special Use district
- A creative approach might be in the form of some variation to the existing interim controls that bounces between how to deal with vacant land, land that is already occupied by industrial uses of various types, and how to somehow juggle the mixture of uses that have been traditional in San Francisco Zoning.

(-) **Steve Vettel**

- South of Cesar Chavez is perfectly appropriate
- His concern is the north area of Cesar Chavez. It is a mixed-use area that is currently undergoing community planning as part of the Better Neighborhoods 2000-2002 program in the Central Waterfront Plan.
- It seems little precipitous to impose permanent bans on all housing in an area that is undergoing studies under Master Plan policies and the Better Neighborhood 2000-2002 program.
- Let this Better Neighborhood process go on in that area.

- (+) **Stanley Marouca, Redevelopment Agency project manager for the Bayview-Hunters Point**
- Supports the proposed project that has been presented to the Commission
- (+) **Jim Martin, Economic Development Chairperson for the Project Area Committee (PAC)**
- Respectfully requested that the Planning Department reconsider the boundaries of the proposed permanent Industrial Protection Zone. To exclude from the proposed permanent Industrial Controls the land within Assessor's blocks 4355, 4356, 4357, 4377, 78, 5217, 5226, 5304 and 5313. These blocks are either directly adjacent to 3<sup>rd</sup> Street or to the pending MUNI 3<sup>rd</sup> Street Lightrail Line.
  - Focus on capitalizing on the economic development and affordable housing opportunities provided by the lightrail line
  - Requested that instead of creating a new community plan study area for the Bayview Hunters Point, that the Planning Department and the Commission work with the Bayview Hunters Point Project Area Committee (PAC) and the Redevelopment Agency, because in creating a redevelopment survey in 1995 the Board of Supervisors granted the PAC future planning jurisdiction for all properties line south of Cesar Chavez Boulevard and Highway 101
- (+) **Andrew Junius**
- Supports the proposed project
- ACTION: Initiated. Public hearing 7/19/01  
AYES: Theoharis; Baltimore; Chinchilla; Fay; Joe; Lim; Salinas  
MOTION No. 16177
12. 2001.0602 E, T, Z (GREEN: 558-6411)  
Community Plan Study Areas and Policies and Procedures in Some Industrial Lands - Proposed resolution establishing four community plan study areas encompassing the industrially-zoned lands in the South of Market, Showplace Square/Lower Porter Hill area, Bay view/Hunters Point, and the area of the Mission District generally bounded by the Central Freeway, Porter Avenue, Cesar Chavez, and Guerrero; and establishing policies and procedures for development proposals in some industrially-zoned lands within the four proposed community plan study areas and the Central Waterfront.
- SPEAKER (S):**
- (-) **Alice Barkley**
- I think this needs to be clarified.
  - Secondly, you referred back to resolution 18461, the department staff under Mr. Ghosh has got to stop referring and putting layers and layers of resolutions, one on top of another.
- (-) **Quentin Maeck**
- In the current zoning of South of Market, the SSO is the only area where office development is allowed.
  - Early this year we requested through Supervisor McGoldrick's office and Supervisor Daly's office a list of business services in the SOMA. We received that list and are currently in the process of researching the available space that now stands vacant and cannot be used for anything else. Mr. Badiner had indicated that he will not be issuing any more termination of business services.
- (-) **Bob Meyers**
- Pointed out that in the SLI district one of the goals presented today was to encourage and maximize housing in the SOMA. The SLI district which occupied one half of the entire SOMA has a restriction in it--while it permits housing by conditional use, the only housing that is permitted there is low income housing. Since this plan was adopted in 1989, outside the redevelopment area no low-income housing has been produced. If we want affordable housing in the SOMA, it has to be associated with market rate housing
  - Urged that market rate housing through conditional use (in order to generate the desirable affordable housing) be considered through our planning process for the SLI and other districts.
- (-) **Jim Martin, Economic Development Chairperson for the Project Area Committee (PAC)**

- Community needs to hear directly from members of the different agencies involved in this process
  - Urged the Commission to schedule a full presentation
- (+) **Jim Rico**
- We need to find ways to encourage neighborhood serving, neighborhood building development in SOMA
- (-) **Joe O'Donoghue**
- In the past there have been a lot of documents produced by this Department, and nothing ever happened. For example, the live work. Reports like this came out; we were supposed to build 10,000 live work units in the SOMA. That never happened because halfway through the process you get the protestors. You get the self interest groups. And the protestors this time came from the outside, not from the people generally around the area, as this Commission very well knows

**ACTION:** No action. This matter will be continued at future hearings.

**AYES:** Baltimore; Chinchilla; Fay; Joe; Lim; Salinas

**ABSENT:** Theoharis

13. 2000.541E (KUGLER: 558-5983)  
350 BUSH STREET - Office Development - Public Hearing on Draft Environmental Impact Report: Assessor's Block 269, Lots 2, 2a, 3, 22, 24, 25, 26, which is the approximate middle third of the Block between Bush, Pine, Kearny and Montgomery Streets. The proposed project which would have frontages on both Bush and Pine Streets would be a 250-foot-high (19 stories), 400,000 sq.ft. office building that would incorporate the historical San Francisco Mining Exchange Building (San Francisco Landmark No. 113). The proposed office tower would be set back from the Bush Street façade of the Mining Exchange Building. The project as proposed would contain 360,000 sq.ft. of office use, 7,270 sq.ft. of retail use and 32,730 sq.ft. of parking as 100 subsurface parking spaces. Four existing buildings (465-469 Pine, 451-453 Pine, 447 Pine, and 441-443 Pine) would be demolished. The project site is located in the Financial District of downtown San Francisco in the C-3-O Zoning District and 250-S Height and Bulk District.

**Note: Written comments will be received at the Planning Department until 5:00 p.m. on July 5, 2001.**

Preliminary Recommendation: No action required.

**SPEAKER (S):**

(-) **Michael Levin**

- Concerned about the mass of the building
- EIR is lacking in graphics and photographs, this was something the Landmarks Board members brought up
- There are not any photos of the interior of the Mining Exchange Building, and this is a Landmark. The architect expressed various aspects on what they plan to do to preserve it. This should be part of the EIR.
- Building has been vacated for many years and glad to see a proposal that would energize it
- Photos were very interesting but not useful. For example, the photos in the EIR showed a drawing of the building that is significantly different from what the actual building may appear to be.

**ACTION:** Meeting held. Public hearing closed.

**AYES:** Baltimore; Chinchilla; Fay; Joe; Lim; Salinas

**ABSENT:** Theoharis

14. 2001.0150R (ASSEFA: 558-6625)  
20th STREET VACATION - Consideration of a proposal to vacate a portion of 20th Street between Vermont and San Bruno Streets.  
Preliminary Recommendation: Finding proposal not in conformity with the San Francisco General Plan.

(Continued from Regular Meeting of May 24, 2001)  
**PROJECT WITHDRAWN**

15. 2001.0140C (TAM: 558-6325)  
845 VIENNA STREET – Request for Conditional Use authorization to allow expansion of an existing private elementary school at 845 Vienna Street (School of the Epiphany), under Planning Code Section 209.3(g). The proposal is to demolish an existing one-story converted church building, which houses the present gymnasium and construct a new two-story building, approximately 13,800 square feet at the northeast corner of the school site. The property is located within a RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with conditions.

**SPEAKER (S):**

**Monsignor Bruce Rayer**

- The project before you has been a dream for the last five years
- The existing school building that we have now it just inadequate to meet the needs of the 600 students we have right now in our program.
- We were planning originally to put this building on top of the school, but we encountered some real problems in developing that because the roof is wood, we had to put in a concrete floor, and the concrete floor triggered retrofitting of the entire building
- Our original church was built in 1911. It has been moved a couple of times in our neighborhood. It has been our gymnasium since 1951.
- Made a reference to Condition #5: This conditions states that the new two-story building, that is part of the School of the Epiphany should be used only by the school and should not be rented out for outside events or used for non-school related events. He believes that this is a very narrow sentence. First of all, our facilities are not available for rent. We do not rent to any outside group.

**ACTION:**

Approved as amended:

**The new two-story building that is part of School of the Epiphany shall be used only by the school and shall not be rented out for outside events or used for non-school and non-parish related events.**

**AYES:** Baltimore; Chinchilla; Fay; Joe; Lim; Salinas

**ABSENT:** Theoharis

**MOTION No.** 16178

16. 2001.0015Z (WOODS: 558-6315)  
1052 OAK STREET - north side, between Divisadero and Scott Streets, Lot 5 in Assessor's Block 1216 - Request for reclassification of a portion (approximately 3,136 square feet) of Lot 5 (a part of the Touchless Car Wash site) from NC-2 (Small-Scale Neighborhood Commercial District) to RH-3 (Residential, House, Three-Family) District. Currently, the entire lot area, approximately 4,199 square feet, of Lot 5 is zoned NC-2. This reclassification is to allow the construction of three new residential units, in accordance with Planning Commission Motion No. 16036 relating to a conditional use authorization approved on November 16, 2000 to expand the car wash.

Preliminary Recommendation: Adoption of the Draft Resolution for Reclassification.

(Continued from Regular Meeting of May 24, 2001)

**SPEAKER (S): None**

**ACTION:** Without hearing, continued to July 26, 2001

**AYES:** Baltimore; Chinchilla; Fay; Joe; Lim; Salinas

**ABSENT:** Theoharis

At Approximately **6:07 PM** the Planning Commission convened into a Discretionary Review (DR) Hearing to hear and act on Discretionary Review matters.

17. 2001.0385DD (TAM: 558-6325)  
283 CHENERY STREET - Staff initiated and a neighbor's Discretionary Review request on building permits 2000/12/28/8738 and 2000/12/28/8823 to demolish an existing one-story, single-family dwelling, and construct a new three-story over garage, two-family dwelling, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.  
(Continued from Regular Meeting of June 14, 2001)

**SPEAKER (S):**

**(+) John Wurly**

- Lived in the neighborhood for many years
- Surprised by the size of the project
- Concerned about the space between the two residences
- Windows are the only resource of light to the laundry room and kitchen
- Will be deprive of light and ventilation
- Concerned about the noise coming from the other house
- There is also a fire hazard because of the closeness of the properties
- Over all the project is too massive and parking will create an impact in the neighborhood

**(+) Paul Curtis**

- Lives very close to the proposed project
- This proposal would impact the character of the neighborhood
- There are no fourth floor buildings on Chennery Street
- Would block enormously the only sunlight that comes into this house
- It is out of context with the rest of the neighborhood
- Commission should impose the removal of the fourth floor as one of the conditions of approval.

**(+) Mary Ann Wurly-Deignan**

- Has lived in the area for 80 years
- His mother spends most of her time in the kitchen since she retired because it is the sunniest room in the whole house
- With this new proposed project, his mother will not be able to enjoy the little bit of sunlight that she has in her house
- This will be detrimental to his mother's health as well as the property value of the house
- The rooftop is unacceptable. It would violate their privacy.

**(-) Charles Karl, Architect**

- Gave a description of the project

**ACTION:** Take Discretionary Review and approve project with modifications:

- (1) Obtain demolition clearance before approving any building permits to demolish and reconstruct a building on the subject property;
- (2) Reduce the 12-foot permitted obstruction at the rear of the property from three (3) to two (2) stories to comply with the Residential Design Guidelines to respect rear yards and open space;
- (3) Eliminate the proposed fourth story completely to reduce the mass and scale of the building and to be more consistent with the established two and three-story development pattern on the block and in the surrounding neighborhood;
- (4) Eliminate the roof deck completely to further negate the need for any additional structures (stair tower and railing) protruding vertically from the proposed building envelop. However, should the roof deck be

- allowed and access to and from the roof area is required, then propose a stair penthouse of a minimal size instead of a spiral stair tower that is so grandiose in design. Furthermore, the stair penthouse should be located where it does not negatively impact the adjacent neighboring property to the west and is not so visually dominating from the street;
- (5) Increase the building separation between the subject and the adjacent building to the west from three (3) to a minimum of four (4) feet;
- (6) Modify or remove all horizontal and vertical projections located along the west side setback area, including the stair tower and two (2) chimneys to minimize negative impacts on light, air, and privacy to the DR requestor's property line windows

AYES: Baltimore; Chinchilla; Fay; Joe; Lim; Salinas

ABSENT: Theoharis

18. 2001.0251DD (BORDEN: 558-6321)  
2935 PACIFIC AVENUE - south side of Pacific between Baker and Broderick Streets, Lot 27 in Assessor's Block 976. Staff-initiated Discretionary Review of proposal to merge three dwelling units into two units and neighbors' request for Discretionary Review on a proposal for new fourth story and basement additions, including changes to the roof pitch, under Building Permit Application No. 2000/12/21/8481 in an RM-2 (Mixed Residential, Moderate Density) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and disapprove the building permit application.

(Continued from Regular Meeting of May 17, 2001)

**SPEAKER (S):**

**(+) James Johnson**

- Project would have a severe impact in the light and air into the units on the west side
- Deck would have direct viewing into their home
- Proposed project is unacceptable and should be disapproved
- It would change the character of the building

**(+) Linda Ramori**

- Supports Discretionary Review

**(+) Tom Preskencsky**

- In support for the Discretionary Review
- Concerned about the light and air

**(+) Gail Sheptor**

- In support of the Discretionary Review
- This will be too big
- Would loose sunlight, heat, and air

**(+) Tom Ramori**

- The forth floor is a major issue. It will block the sunlight

**(-) David Silverman, Project Sponsor**

- Building has been vacant for a long time
- Constructed in 1936 as a two family dwelling
- DBI performed an inspection
- There is no permit on file
- Application is to return building to its original occupancy/usage

**(-) Ernie Zelander, Project Architect**

- Gave a description of the project

ACTION: Take Discretionary Review and Disapprove

AYES: Baltimore; Chinchilla; Lim; Salinas

ABSENT: Theoharis; Fay; Joe

19. 2001.0042D (TAM: 558-6325)  
176 CLIPPER STREET - Discretionary Review request on Building Permit No. 2000/11/21/6290s to demolish the existing 10-foot, two-story over garage extension and construct a new 26'-7", two-story plus attic over garage extension at the rear of the property. The existing structure is a single-family dwelling, located in the RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and approve the project as revised.

**SPEAKER (S):****(+) Jerry McDonald, DR requestor**

- Lived in this house for 32 years
- This house was built in 1895 and he is the second owner. His concern is for quality of life. He hopes to live the rest of their life there
- This has been done fast to avoid any additional process
- Project would have 52 windows. 32 of those windows would be looking into every room in our house--into our private airwell, deck and garden.
- This is a house with no regard to neighborhood context and neighbors
- Addition would shaded their garden totally for 8 months of a year

**(+) Dave Montz, President, Friends of Noe Valley**

- Concerned about how the request for continuance was handled
- We have to be fair with the neighbors that are going to be affected by this project

**(+) Unknown Speaker**

- Read a letter on behalf of Timothy Fintz
- Vertical addition of the 4<sup>th</sup> floor is completely inconsistent with the rest of the homes in the neighborhood
- It will create shadows
- It will negatively impact the properties adjacent to it

**(+) Paul Curtis**

- It is too intrusive
- This style does not fit in this neighborhood

**(-) Jerome Alton, Architect**

- Scale of the project is consistent with the neighborhood
- It is not a very large project
- Prepared several studies that indicate this project would have very minimal impact on sunlight

**(-) Laurie Hersch**

- Supports project

**(-) Laurie Bell, Owner**

- Needs to enlarge her house to take care of her mother
- Supports the project

**(-) David Bell**

- Supports project

**(-) Edward Bell, Owner**

- Lived at this property for many years
- Proposed changes meet the design guidelines and is comparable with the existing buildings in the neighborhood
- Cares about maintaining the neighborhood character

**(-) Unknown speaker**

- No objections to the project. It is well within the Planning Code.

**(-) Francis Hellerim**

- Supports the project

**(-) Judith Turner**

- Presented a petition from the neighbors
- Do not agree with the DR
- Fully supports the project

**ACTION:** Take Discretionary Review and approve as revised:

1. Elimination of the roof deck;
2. Reduction of the proposed floor height for portions of the master bedroom from 20 to 16 feet;
3. Removal of the roof overhang adjacent to the D.R. requestor's property; and
4. Usage of obscure rather than clear glass for all windows, including the portion of the bay window, facing the D.R. requestor's property.

**AYES:** Baltimore; Chinchilla; Lim; Salinas

**ABSENT:** Theoharis; Fay; Joe

20. 2001.0542D (SANCHEZ: 558-6679)  
217 - 219 16TH AVENUE - west side between California and Clement Streets, Lot 002 in Assessor's Block 1417. Request for Discretionary Review of Building Permit Application No. 2000/08/25/8970S, proposing to construct a three-story horizontal addition at the rear of the existing two-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve project with revisions.

(Continued from Regular Meeting of June 7, 2001)

**SPEAKER (S):**

**(+) Denise Brady, Discretionary Review Requestor**

- Owned this building since 1932
- Would loose air, light and heat
- Our concerns are confirmed and supported by your staff recommendations

**(-) Dan Lee, Co-Owner**

- Bought it in December 1999
- Because of the number of members in our families, we decided to add to the back of our house
- Provided a light study
- Compromised by bringing the project back 5 feet

**(-) Nancy Leland, Co-Owner**

- Has lived in the house for a year and a half
- There won't be any shadow impact

**(-) Debbie Lee**

- This is not a gigantic addition and is in conformity with the rest of the neighborhood

**ACTION:** Approved staff recommendation

**AYES:** Baltimore; Chinchilla; Lim; Salinas

**ABSENT:** Theoharis, Fay, Joe

21. 2001.0542D (KOMETANI: 558-6478)  
290 UNION STREET - north side between Montgomery and Sansome Streets, Lot 15 in Assessor's Block 106. Request for Discretionary Review of Building Permit Application Nos. 200012057228, 9706246S, 9906666, 200004076744, 200004217904, with respect to a 4th floor balcony/fire escape at the rear, a chimney pipe at the rear and a roof deck railing at the rear. The subject property is a single family house in the Telegraph Hill Historic District, is in a RH-3 (Residential, House, Three-Family) District, and is in a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

**SPEAKER (S):**

**(+) Melvin Seraca, DR requestor**

- This is one the oldest residential buildings in the City
- Project was built contrary to plans

- Do not authorize the 4<sup>th</sup> floor addition

(+) Shirley Bentley

- Does not support project
- This is the first demolition in the Telegraph Hill Historic District since its designation—which was very controversial. The plans which became part of the approved certificate of appropriateness, memorialized the specific set of compromises and agreements between the developers, the Telegraph Hills Dwellers and the adjoining neighbors to resolve substantial controversies concerning the building envelope and height--specifically including the impact on the adjacent land locked historic cottages at 1334 Montgomery Street

(-) John Lutrell

- The balcony has to come off
- There are a series of maneuvers or actions that the developer has taken that are not in conformity with the original Certificate of Appropriateness
- This can only be interpreted as an intentional departure [from the agreements]
- [If the agreements were kept.] the original height would be exactly what it should be, without going up 2 feet, 3 inches further

(+) Nancy Shanahan

- Windows and doors, except for the garage and front doors, were prefabricated vinyl, instead of painted wood. Windows should be double hung windows with wood trim that would open onto the balcony
- Materials were an important element of the plans, and were agreed upon before becoming a part of the Certificate of Appropriateness
- As a specific condition of the Certificate of Appropriateness, it was required that working drawings be prepared. We asked for them on November 22, 2000. We could not find them. They did not exist. The detailed plans would have shown the materials, the trim and the proper prospective.

(+) Tom Schick

- This is the largest collection of pre-1870 buildings in the City of San Francisco
- Suggested that the Commission review in detail what had been built on top of this building.
- This parapet absolutely would destroy the view for other buildings

(+) Larry Habegger

- Asked the Commission to make this project comply with the original Certificate of Appropriateness

(+) Alice Barkley

- Conditions of approval:
  - (1) Remove the roof deck
  - (2) Remove the parapet
  - (3) Add a Notice of Special Restriction stating the conditions of approval and also referencing and attaching to it the original C of A and the conditions that this Commission imposed. She believes this is reasonable as an amendment to the original C of A and the final set of plans, so there are no more mistakes from now on. In the future we will know what is going to be required and what is not. There will be clear language that states any additional changes must come back and get a new C of A

(-) Keith Wilson, Project Sponsor

- What is being built here from our approved plans is a huge improvement to the character of the Historic Telegraph Hill community
- We have done everything from day one by the book on this project--contrary to what the DR supporters have expressed to this Commission

(-) Steward Kaplan

- Supports the project

(-) Patty Snodovia, Project Architect

- Has met with planning staff for about a year trying to submit 5 different sets of plans. Has had several meetings with everybody in the Building and Planning Departments trying to find a solution that is going to be agreeable to them

**ACTION:** Approve as recommended by Zoning Administrator  
- Conditions of approval:

- (1) Remove the roof deck
- (2) Remove the parapet
- (3) Add a Notice of Special Restriction stating the conditions of approval and also referencing and attaching to it the original C of A and the conditions that this Commission imposed. She believes this is reasonable as an amendment to the original C of A and the final set of plans, so there are no more mistakes from now on. In the future we will know what is to going to be required and what is not. There will be clear language that states any additional changes must come back and get a new C of A

**AYES:** Baltimore; Chinchilla; Lim; Salinas  
**ABSENT:** Fay, Joe, Theoharis

#### F. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) Responding to statements made or questions posed by members of the public; or
- (2) Requesting staff to report back on a matter at a subsequent meeting; or
- (3) Directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**SPEAKER (s):** None

Adjournment: 9:15 PM

**THE DRAFT MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, JULY 19, 2001.**

55  
10  
1/28/01

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, June 28, 2001

1:30 PM

DOCUMENTS DEPT.

Regular Meeting

AUG 23 2001

SAN FRANCISCO  
PUBLIC LIBRARY

**PRESENT:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis  
**ABSENT:** None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT THEOHARIS AT 1:45 p.m.

**STAFF IN ATTENDANCE:** Gerald G. Green, Director of Planning; Larry Badiner, Zoning Administrator; Max Putra; Samuel Assefa; Rick Cooper; Sharon Young; Ben Fu; Thomas Wang; Jonathan Purvis; Tammy Chan; Matthew Snyder; Andrea Wong; Judy Martin; Nora Priego, Transcription Secretary; Linda Avery, Commission Secretary

### A. ITEMS PROPOSED FOR CONTINUANCE

1. 2001.0230D (WONG: 558-6381)  
2130 HARRISON STREET - west side between 17<sup>th</sup> and 18<sup>th</sup>; Lot 025 in Assessor's Block 3573 - Request for staff-initiated Discretionary Review for an alteration to a previously approved live/work project. The proposal is to construct a 24' by 35' general advertising sign on the northeast wall of a 26-unit live/work project, previously approved by the Planning Commission in November of 1998 (Case No. 1998.040D). The Zoning Administrator is referring the project to the Planning Commission as (1) a significant alteration to a previously approved project under Discretionary Review and (2) a land use entitlement issue under the live/work moratorium. The subject property falls within an M-1/IPZ (Light Industrial/Industrial Protection Zone) District and a 50-X Height/Bulk District.  
Preliminary Recommendation: Pending  
**DISCRETIONARY REVIEW WITHDRAWN**

**SPEAKER(S):** None

**ACTION:** Discretionary Review Withdrawn

2. 2000.1275C (TAM: 558-6325)  
401 TARAVAL STREET - Southwest corner of Taraval Street and 14th Avenue; Lot 1 in Assessor's Block 2411. Request for a Conditional Use authorization to install a total of three (3) panel antennae on the building rooftop and an interior equipment shelter in the basement of an existing two-story over basement commercial office building as part of a wireless telecommunication network (Sprint PCS), pursuant to Planning Code Section 711.83, in a NC-2 (Small-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District. The site is a Location Preference 3.  
Recommendation: Approval with conditions.  
(Proposed for Continuance to July 12, 2001)
- SPEAKER(S): None  
ACTION: Continued to July 12, 2001  
AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis
3. 2000.1165B (BRESSANUTTI: 558-6892)  
2 HENRY ADAMS STREET - west side between Division Street and Alameda Street; Lot 1 in Assessor's Block 3910. Request under Planning Code Sections 320-322 for project authorization of an office development consisting of the conversion of up to 49,900 square feet in an existing building (San Francisco Design Center) from wholesale design showroom space to office space. This notice shall also set forth an initial determination of the net addition of gross square feet of office space, pursuant to Planning Code Section 313.4. The subject property is located in an M-2 (Heavy Industrial) District and the Industrial Protection Zone, and a 40-X Height and Bulk District.  
Preliminary Recommendation: Pending  
(Continued from Regular Meeting of June 14, 2001)  
(Proposed for Continuance to July 19, 2001)
- SPEAKER(S): None  
ACTION: Continued to July 19, 2001  
AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis
4. 2000.1141C (SANCHEZ: 558-6679)  
2346-2348 CLEMENT STREET - north side between 24<sup>th</sup> and 25<sup>th</sup> Avenues; Lot 025 in Assessor's Block 1409 - Request for Conditional Use authorization under Planning Code Section 717.39 to allow the demolition of an existing mixed-use building with a residential unit at the second floor, and under Planning Code Section 161(j) to allow the construction of a four-story mixed-use building (three residential units and one commercial unit) without the three required residential parking spaces, within the Outer Clement Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District.  
Preliminary Recommendation: Pending  
(Proposed for Continuance to July 19, 2001)
- SPEAKER(S): None  
ACTION: Continued to July 19, 2001  
AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis
5. 2000.1104C (M. SNYDER: 575-6891)  
488 BRYANT STREET - north side between 2nd and 3rd Street, Lot 18 in Assessor's Block 3763. Request for Conditional Use authorization under Planning Code Section 817.73 and 227(h) to install three panel antennas on the building rooftop and related backup equipment within the building, in an SLI (Service Light Industrial Mixed-Use) District and a 40-X Height and Bulk District. This is a Preference Location 4.  
Preliminary Recommendation: Pending  
(Proposed for Continuance to July 26, 2001)

**SPEAKER(S):** None

**ACTION:** Continued to July 26, 2001

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

6. 2000.254D (CABREROS: 558-6169)  
3040 STEINER STREET, east side between Filbert and Union Streets, Lot 050 in Assessor's Block 0534 -- Request for Discretionary Review of Building Permit Application No. 9913355S, proposing to construct a one-story penthouse measuring approximately 10' x 15' (150 square feet) on top of the flat roof of the existing two-unit building, with access to a new 300 square-foot roof deck to contain a spa in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

(Proposed for Continuance to August 16, 2001)

**SPEAKER(S):** None

**ACTION:** Continued to August 16, 2001

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

## B. COMMISSIONERS' QUESTIONS AND MATTERS

7. Consideration of Adoption – draft minutes of May 17, 2001.

**SPEAKER(S):** None

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

8. Commission Matters

**Commissioner Theoharis:**

*Re: Commission Quorum*

She would like to know, either by the City Attorney or the Director, if all the Commissioners were to be invited to a meeting or an event, even if all of them were to attend just as observers, would that require the event to be noticed?

The City Attorney, after checking the laws of the Sunshine Ordinance, stated that the event does require it to be noticed.

*Re: Live/Work Lofts Enforcement*

She would like to know how many cases we have gone in and looked at. How are these cases being enforced or chosen?

The Zoning Administrator replied that we send out about 25 to 30 notices of violation of live/work units alleged being used for all office use. These notices may have covered more than one live/work unit. Somewhere in that range many were abated, others proved that they weren't in violation, others went to the Board of Appeals.

The cases are being chosen usually on a complaint basis or when it's brought to the ZA's attention. There was one mentioned in the SF Weekly that the Bay Guardian has occupied a unit contrary to the intent of the live/work ordinance.

## C. DIRECTOR'S REPORT

9. Director's Announcements

**None**

10. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

**BOS**

*Re: 501 Laguna Street – Antenna*

- After some discussion, the Board stated there was some concern that the Department monitor these antennas. The matter was continued for another two weeks. The Public Hearing on this matter was closed.

*Re: Appeal of the Planned unit Development of 19<sup>th</sup> and Guerrero Streets*

- The project was revised after it came before the Commission. It originally had 43 units with 6 units of affordable housing. It was revised to have 39 units with 5 units of affordable housing. The Board, after hearing public testimony, approved the project.

*Re: Budget Process Approved*

- He (The Director) believes that the Department accomplished their goal. Although, the Department did not come out as we originally wanted, the decision was favorable.  
- There will be an administrative analysis that will be the liaison for the Department to the Board of Supervisors. This position was approved.  
- Supervisor McGoldrick did not pressure us regarding IPZ areas. He believes that January would be a target date to start the environmental review.  
- The Board approved \$263 thousand that will go to the department to purchase new equipment (e.g. computers, and a new vehicle for enforcement, etc). One year from now, this position will have to prove that it has been effective. In January, the department will come back to the Board to ask to release the other funds.

11. (GREEN: 558-6411)  
PRESENTATION OF PROPOSED INDUSTRIAL AREA DESIGN GUIDELINES - Staff presentation, public comments and discussion of proposed Industrial Area Design Guidelines (IADG).

SPEAKER(S): None

ACTION: No Action Required

D. REGULAR CALENDAR

12. 1999.423E (COOPER: 558-5974)  
639 and 699 SECOND STREET - Certification of the Final Environmental Impact Report prepared for the conversion of the existing two-story-over-basement building at 699 Second Street, which has been determined to be eligible for the *National Register of Historic Places* and is a contributory element to the South End Historic District, from its industrial/warehouse designation, to office and retail/restaurant use, and construction of a three-story addition with two levels of underground parking. The resulting building would contain about 49,950 square feet of office space, about 6,550 square feet of retail/restaurant space and about 100 off-street parking spaces. On the adjacent parcel to the north with an existing surface parking lot, at 639 (635) Second Street, a separate six-story building would be constructed that would include about 49,950 square feet of office space, nine residential units and 112 off-street parking spaces. The project site is located in an SSO (Service/Secondary Office) zoning district, and a 50-X Height and Bulk District. **Please Note: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on May 29, 2001. The Planning Commission does not conduct public review of Final EIRs. Public comments on the certification only may be presented to the Planning Commission.**

Preliminary Recommendation: Certify Environmental Impact Report

SPEAKER(S): None

ACTION: Environmental Impact Report Certified

AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

MOTION: 16179

13. 2001.028T (YOUNG: 558-6346)  
BICYCLE PARKING REQUIREMENTS - Consideration of a proposed Ordinance adding Section 155.4 to the Planning Code to require that all new and renovated commercial and

industrial buildings contain parking spaces for bicycles in accordance with such building's square footage and primary use.

Testimony and Commission considerations could result in recommendations of modifications to the proposed legislation.

Preliminary Recommendation: Approval

**SPEAKER(S):**

**(+) Sarah Owsowitz Klein, Deputy City Attorney**

- At the recommendation of the Zoning Administration, the City Attorney suggests a recommendation of an amendment to section 155(j). Section 155(j) states that except as provided in 155.1 and 155.2 for each 20 off street parking space provided, 1 space should be provided for parking of bicycles. The most restricted provision of 155(j) or 155.4 shall prevail. This would have the effect of ensuring that this currently existing ratio of off street parking to bike parking would only come into play when the requirements of 155.4 were less restrictive.

**(+) Athem Curtis – Representative of Supervisor Leno's Office**

- Supervisor Leno was not able to attend this hearing.

- Mr. Badiner explained perfectly what the intent is. The existing bicycle storage legislation is strictly limited to commercial buildings that have parking space and they wanted to create a bicycle storage requirement for other commercial buildings.

- Bicycle transit is a very environmentally friendly form of transportation that they really would like to encourage.

**(+) Lea Shaham – San Francisco Bicycle Coalition**

- The coalition has been working with the staff of Supervisor Leno's office.

- There are many benefits to transportation via bicycles.

- She is a little surprised at the Department's estimate of cost for very basic parking.

**ACTION:** Approved with the following amendment: Section 155(j) is amended to add, "The more restrictive provisions of Planning Code Section 155(j) or 155.4 shall prevail".

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

**MOTION:** 16180

14.

2001.0518C

(FU: 558-6613)

2872 - 24<sup>th</sup> STREET - north side between Florida and Bryant Streets, Lot 020A in Assessor's Block 4208 - Request for Conditional Use authorization under Planning Code Section 727.42 and pursuant to Planning Code Section 303, to allow the conversion of a trade shop into a full service restaurant in the 24<sup>th</sup> Street-Mission Neighborhood Commercial District with a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with conditions

**SPEAKER(S):**

**(+) Jorge Hernandez – Project Sponsor**

- He submitted the declaration of signage and letters of support by the adjacent neighbors.

- He is available for questions.

**(+) Anita Cecina**

- She is the owner of the adjacent property.

- She feels that she is not opposed to this project but she does have some concerns.

- Recently she had to have the sewer replaced. This sewer is shared by both properties. Mr. Chan, who owns the building of the proposed property, wasn't aware of this fact. So she had to pay for the repair costs.

- If a full kitchen and bathrooms are constructed, she is concerned that something might go wrong and wants to know who will have to pay for repairs.

- She is also concerned about the noise that will be generated from the restaurant.

- Her family has owned the adjacent property for over 40 years.

**ACTION:** Approved with Conditions.  
**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis  
**MOTION:** 16181

15. 2000.1261EC (WANG: 558-6335)  
4501 IRVING STREET - southwest corner of Irving Street and 46th Avenue; Lots 047 and 049 in Assessor's Block 1801. Request for Conditional Use authorization under Planning Code Sections 121.1 and 710.11 to develop a new, four-story, mixed-use building, including approximately 1,800 square feet of ground floor commercial space and ten dwelling units on three upper floors, on two lots totaling 8,250 square feet in area within an NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Approval of a three-story, mixed-use building (fourth floor removed).

**SPEAKER(S):**

**(+) John Sanger – Representing Project Sponsor**

- The Hung Family has owned this property for about 30 years.
- They have started to develop it for a more intensive use.
- The intent was to accomplish the construction of two generous owner's units for the purposes of rental. The issue boils down to the top floor.
- The difficulty of responding to eliminating the top floor is that it would affect the whole design of the building.
- He presented two options to the Commission between balancing the policy to promote housing and dealing with scale issues.
- The project sponsor would like to have the Commission approve the project as proposed then the sponsor would allow 2 affordable units. The second proposal would be that the design of the project change with the top floor set back. The second option would not allow for owner occupancy.

**(+) Mary Ann Miller**

- She hadn't seen the plans.
- She wants the housing units and the corner to be improved.
- The character of the neighborhood is mixed. There are some wonderful older houses that she is trying to retain.
- Mr. Ng is a very clever architect who is willing to do a redesign that would modify the 3rd floor. She feels that the design could set back from a few houses on Irving Street.
- She would like 10 units with the top unit still set back in some way.

**(+) Mr. Ng – Project Architect**

- He is willing to work with staff and SPEAK to redesign the project.

**(-) Ron Stikle**

- He is opposed to the project not just because of the size and the parking but more because of the loss of valuable space that is there right now.
- In the Sunset, they have more need for valuable service-providing space and/or school space.
- They have tried to get in touch with the owner and tried to find a buyer. It is not in bad shape.
- He would rather a community school be there.
- The space that would be lost would be a disservice to the much-needed services of the Sunset.

**ACTION:** Approved with revisions: 1) remodeling of the upper floor so it doesn't include a setback; 2) revise landscaping to include more trees; and 3) accept 10 units with two affordable units.

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas  
**NAYES:** Theoharis  
**MOTION:** 16182

- 16a. 2001.1117CV (PURVIS: 558-6354)  
2183 MISSION STREET - east side between 17th and 18th Streets; Lots 32 & 33 in Assessor's Block 3575. Request for Conditional Use authorization under Planning Code Sections 121.2 and 712.21 for a non-residential use size over 6,000 square feet. The project would involve the demolition of two single story buildings and the construction of a five-story building for a Large Institution: "The Homeless Prenatal Program," including social services and childcare, with accessory office space and retail sales. The project would provide up to 17,000 gross floor area for social services for women, including prenatal and substance abuse counseling, housing and job assistance, vocational training, and legal assistance. It would include a childcare facility in the rear for up to 27 children and retail sales space fronting Mission Street. No off-street parking would be provided, subject to a Parking Variance. The site is within an NC-3 (Moderate-Scale Neighborhood Commercial Zoning) District and a 65-B Height and Bulk District.  
Preliminary Recommendation: Approval with Conditions.

**SPEAKER(S):****(+) Martha Ryan – Executive Director and Founder of the Prenatal Program**

- Twelve years ago, the program was just for homeless women and children.
- Now, the needs are to provide more than just prenatal care.
- There are six different programs that have come about from the needs of the clients.
- With these six programs, they will have served 1,600 clients.
- People are never turned away. They try to find the strengths of each woman so that they can move forward in life.
- There are various programs including a housing assistance program.
- There are substance abuse programs; there are advocacy programs that teach clients and staff to raise their voices about policies.
- In this new building, they plan to expand their services.

**(+) Jim Stuber – Representing the Department of Public Help**

- This program is quite necessary for the community.
- He hopes that the Commission will approve this project.

**ACTION: Approved****AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis**MOTION:** 16183

- 16b. 2001.1117CV (PURVIS: 558-6354)  
2183 MISSION STREET - east side between 17th and 18th Streets; Lots 32 & 33 in Assessor's Block 3575. Request for a Parking Variance under Sections 151 and 305. The project would provide up to 10,800 occupied floor area for social services, up to 2,000 square feet of accessory office space, up to 400 square feet of retail space, and a childcare facility for up to 27 children. Section 151 of the Planning Code requires off-street parking at a rate of one space for each 300 square feet for outpatient clinics, including social services, one space for each 500 square feet for office and retail space, and one space for each 25 children for a childcare facility. The project would require 42 independently accessible parking spaces. The proposal is to provide no off-street parking. Section 305 of the Code allows a variance from this parking standard subject to a hearing by the Zoning Administrator.

**SPEAKER(S): Same as those listed for item 16a.****ACTION: The Zoning Administrator closed the Public Hearing and granted the variance.**

17. 2000.1328E (CHAN: 558-5982)  
1750 FOLSOM STREET - **Appeal of a Preliminary Negative Declaration.** Assessor's Block 3530, Lot 6. The proposed project would include the demolition of an 8,600-square-foot warehouse building, retention of a portion of the existing slab foundation and construction of a new 14,280 square foot, three story plus mezzanine, 40 foot tall structure. The building would contain about 10,210 square feet of restaurant and bar space, and

4,070 square feet catering facility. Nineteen off-street parking spaces would be provided in the basement-parking garage. The site is on Folsom Street, bounded by Erie Street, 14<sup>th</sup> Street, and South Van Ness, within the Mission neighborhood. The site is within the Planning Commission's adopted Industrial Protection Zone (IPZ) buffer and within the M-1 (Light Industrial) zoning district and a 40-X height and bulk district. The project sponsor is seeking a variance from the parking requirement for independently accessible parking spaces in order to increase available parking from 19 to 34 spaces by providing valet parking.

Preliminary Recommendation: Uphold Negative Declaration

**SPEAKER(S):**

**(-) Ya Renier - Board of Directors of Rainbow Grocery**

- The Board of Directors of Rainbow Grocery Store is very concerned with the impact of parking that this project will create.
- Although the department has a transit first policy, the location of the store has created some problems since they moved away from the Mission District about five years ago.
- The increase in the frequency of the Folsom line bus has helped increase the number of customers.
- She is afraid that this project will impact their business.

**(-) Eric Quesada - MAC**

- His organization is opposed to the negative declaration.
- This type of a mega restaurant coming into an IPZ will have a negative effect on the area.
- They have seen in the past few years, site after site being turned over into different types of uses even though they meet some type of zoning acceptance in the area, he believes that there is a negative affect on the PDR's within the area.
- Although the catering component of the project is a positive one since it will provide jobs to the neighborhood, he believes that it should be more of a primary use than a 4-story fancy and very large restaurant.
- He knows that the Planning Department is working on re-zoning various areas of the City, especially the Mission District that will begin a planning process to look more closely at different sites.
- He thanked Lulu's Restaurant representatives for contacting various organizations to discuss the concerns they might have.

**(-) Oscar Grande – member of People Organizing to Demand Environmental and Economic Rights and a member of MAC**

- He would like to welcome Commissioner Lim who represents District 11.
- His organization is opposed to this negative declaration.
- A project like this inflates the cost of the land. This has been seen on various occasions.
- Although they are in favor of the catering component because it fits into the blue collar uses that are in the North East Mission Industrial Zone. These types of catering jobs provide good living wages and provide jobs for the local community.
- This restaurant supposedly will be "residential-serving". He believes that it will just be another destination spot.
- He is thankful that the architect and the owner of the restaurant did approach MAC to discuss their concerns.
- They lost a lot of auto body shops on 17<sup>th</sup> and Folsom because of the rising costs of land value.
- They need to have businesses that employ people from the community.
- He would like that the catering to be the primary use and that the restaurant be scaled down.

**(-) Ada Chan – MEDA**

- The restaurant part of the project is creating the parking problems, not the catering part of the project.
- They don't oppose the catering component of the project.

**(-) Chris Selig**

- She is concerned about the definition of what is an environmental review. She believes that this would include the impact on people, not just related to their health.
- The use of the site would impact this area as well as the whole neighborhood.

**(-) James Tracy**

- He agrees with everything Mr. Quesada spoke about.
- They are currently working on a planning process for the Mission.
- Please honor the fact that they are organizing and working on a community planning process for the Mission.

**(-) Sarah Jarmon – Rainbow Grocery**

- As the Planning Department, it is their job to plan ahead looking out for possible problems that future development may create, looking to find a solution before the problem occurs.
- In the report, it states that the parking problem would worsen.
- It would seem more prudent to offer a solution of the parking problem that already exists.
- The architect has offered to speak to MUNI to improve their service and has contacted various organizations to discuss their concerns.
- She would like the owners of the restaurant to contact Mission Hiring Hall in order to offer employment to residents of the neighborhood.
- She believes that the catering component of the project should be bigger.

**(+) Jordan Geiger – Project Designer and Project Architect**

- He appreciates the fact that the members of Rainbow Grocery have acknowledged that the project sponsor has worked with them and the community to try to solve problems and issues.
- They have been in communication with MUNI to increase the number of busses running on Folsom Street.
- There is a letter from the project sponsor, which he submitted to the Commission.
- This is a three-story building and not a four-story building.
- This will not be a fancy restaurant.

**(+) Cass Smith – Project Architect**

- There are issues, which are being brought up to have MUNI increase and improve their service.
- The parking has been designed within the guidelines of the department to be transit oriented and not to have more cars.

**ACTION:** Negative Declaration Upheld

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

**MOTION:** 16184

**F. DISCRETIONARY REVIEW HEARING**

At Approximately **4:40 PM** the Planning Commission convened into a Discretionary Review (DR) Hearing to hear and act on Discretionary Review matters.

- 18a. **2000.1328ED** (M.SNYDER: 575-6891)  
**1750 FOLSOM STREET** - west side between 13th and 14th Streets, Lot 6 in Assessor's Block 3530. Mandatory Discretionary Review of Building Permit No. 2001/01/04/9225 pursuant to Planning Commission Resolution 14861, for the demolition of an 8,600 square foot industrial building. The building is proposed to be replaced with a new building that would contain a restaurant and catering business. The property is within an M-1 (Light Industrial) District, a 40-X Height and Bulk District, and an Industrial Protection Zone Buffer.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

**SPEAKER(S):****(-) Erik Quesada**

- They are very concerned about the impact this project will have on the neighborhood.
- The restaurant will be moderate to some folks and expensive to other folks.
- This is a very large project and a very large restaurant.
- The other concerns are about valet parking. For example, where will these cars be parked?

**(-) Oscar Grande**

- The bottom line: their concerns are the protection of the Industrial Protection Zones.
- The restaurant should be made more affordable for people to come to the restaurant.
- If the restaurant is scaled down, it would still not be enough.
- They would like to have community-based employment agencies to participate in the hiring process for both the restaurant and the catering business.

**(-) Ada Chan**

- A previous speaker who wasn't able to stay is concerned about the parking impact
- Is this restaurant going to be affordable for the people who work in the area?
- She would like to see the project disapproved.

**(-) Chris Zelik**

- She appreciates the consideration of the Commission with their concerns.
- Even if it is a restaurant use and it does provide jobs, the negative impact on the neighborhood would not be offset by the restaurant jobs.

**(-) Shahir**

- Every square foot counts in these Industrial Protection Zones.
- The project is not light industry. It is a restaurant, which could be constructed in other areas of San Francisco.
- The only reason the project is going on Folsom is that the land use is cheaper.
- Every single square foot of PDR use should be protected.

**(-) Sarah Jarman**

- She would like the Commission to look closely at the report.
- This needs to be re-evaluated.
- She would like the Commission and staff to speak to the community even after this hearing.

**(+) Jordan Guiger**

- It is worth considering a few circumstances of the project. This property was never rented. Its owner always used it.
- The plan is not to inflate uses or costs.
- He understands the issues of gentrification and the increase in rents.
- This project is very well marketed.
- The current building makes it impossible for the building to be remodeled for an accessible use.
- They are counting strictly on a catering business to provide jobs for this City.
- The restaurant is planned for Argentine Cuisine.

**(+) Cass Smith**

- He would like to thank the Commission and staff working on this project.
- The affordability of the restaurant is tied to the success of the restaurant.
- Many people wrote letters of support but couldn't be here.
- Rainbow has more of a MUNI issue.
- Although he is in favor of community activists, he has concerns about people who are not affected by this project but have come here to speak against the project.

**(+) Jody Denton – Executive Chef of Lulu Group**

- One issue seems to be unresolved: nobody really knows what affordable is. This is certainly subjective since who you are determines what is affordable for you.
- The appetizers will be in the \$3.00 to \$9.00 range. Entrees will begin around \$10.00 and range up to about \$18.00.
- Regarding employment practices: they will employee equally from the back kitchen staff into the management staff. They have always promoted and maintained diversity in

their working environment. As far as specific agreements of hiring within the community, they are certainly open to discussions with the community. There are certain jobs that will have certain requirements and these requirements will have to be met. If they are found within the community, well, that would be great.

**ACTION:** Took Discretionary Review and Disapproved the Project

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

18b. 2000.1328EV (M.SNYDER: 575-6891)

1750 FOLSOM STREET - west side between 13th and 14th Streets, Lot 6 in Assessor's Block 3530. Variance sought to replace the required 23 independently accessible parking spaces with 34 attendant parking spaces. The parking spaces would not be independently accessible requiring a Variance. The Variance is being sought in conjunction with the proposed demolition of the existing industrial building and the proposed construction of a new building that would contain a restaurant and catering business. The property is within an M-1 (Light Industrial) District, a 40-X Height and Bulk District and an Industrial Protection Zone Buffer.

**SPEAKER(S):** Same as those listed for item 18a.

**ACTION:** Because the project was disapproved, there is no longer a variance to be considered by the Zoning Administrator.

19. 2000.1267D (WANG: 558-6335)

215 ROOSEVELT WAY - southeast side between Fairbanks and 15th Streets, Lot 060 in Assessor's Block 2614. Request for Discretionary Review of Building Permit No. 2000/04/27/8397 and Building Permit Application No. 2000/04/27/8394. The proposal is to demolish an existing one-story over garage, single-family dwelling and construct a new three-story over garage, two-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve the project only with the complete removal of the fourth floor.

(Continued from Regular Meeting of June 14, 2001)

**SPEAKER(S):**

*Re: Continuance*

**Mr. Chan – Representing Project Sponsor**

- He would like the project to be continued to afford the project sponsor the opportunity to deal with the issues of height and mass for the 4<sup>th</sup> level.
- They have been searching for a reasonable design solution.
- They would like to determine if they can extend the front building wall by at least 5 feet into the purported front set back area so as to pick up the square footage and facilitate the program proposed by the project sponsor.
- If this were to happen, it would create additional opportunities to mitigate the concerns of the DR requestor.
- The staff has requested the elimination of the 4<sup>th</sup> floor.
- He believes that there is a good opportunity to have constructive dialogue.

**Michael Givertz – Representing DR Requestor**

- He wasn't approached about this until 4:00 p.m. today. There are about 15 to 20 neighbors who are here to listen to this meeting.
- The continuance is for two weeks and he will not be in town.
- If the Commission were inclined to allow a continuance it would have to be more than two weeks.

**NOTE: The Commission decided to hold the hearing today.**

*Re: Project***(-) Michael Givertz – Representing DR Requestor**

- He agrees and appreciates the Planning Department's recommendation of removing the top floor, however, the issue of rear depth and the impacts on the rear depth of the proposed structure has not been addressed by the recommendation.
- He does not believe that a variance is required but he leaves that to the discretion of the department.
- The staff analysis recognizes that the proposed 4<sup>th</sup> story building does not step down in height in the rear of the lot, which leads to an incompatible building rear configuration.
- Changing the pattern of the rear yards would have a significant negative impact on the mid block open space.
- Each of the adjacent buildings has side windows, which accommodate light, and air and this project will negatively impact these windows.

- In addition to the removal of the 4<sup>th</sup> floor, he would like to have the building built at its existing zero setback. He believes that this would be consistent with the neighborhood.

**(-) Barbara Deutsch**

- She submitted photograph to the Commissioners.
- She has been asked by the downstairs neighbor to show their perspective of the impact they will have if this project is constructed.
- The character of Roosevelt Way is that it's a sloping hill. Each roofline continues up the hill. This 4-story building would interrupt that.

**(-) LaVaughn Craig**

- She and her husband live on Roosevelt Way.
- She realizes how difficult it is to have different needs and different wants.
- The project is of a very large scale. She agrees with the staff recommendation to bring down the size of the building.

**(-) Ed Knoll**

- He supports the zero setbacks and the elimination of the 4<sup>th</sup> Floor. There are no houses that have a 4<sup>th</sup> story.

**(-) Margit Ritchie**

- She lives across the street from the proposed project.
- She also agrees with everything the previous speakers have stated.
- The 4<sup>th</sup> Floor should be eliminated.
- She has no problems with the frontage.
- If the 4<sup>th</sup> story were allowed to be built, it would lower the value of the other homes.

**(-) Peter Sloss**

- He lives on Roosevelt Way.
- His building is a two unit building and he is speaking on behalf of the tenants of this building.
- One concern is the tree that will be removed because of the construction.
- There are a few trees that are mature and add greatly to the neighborhood not only in appearance but also enhance the privacy of the homes
- He would like a condition to have the tree remain or replaced with a tree of similar shape.

**(-) Jill Terry**

- She lives on Roosevelt Way.
- She doesn't own a property but rents a unit in a building on this street.
- She is concerned that the view from her apartment will be impacted. She rented the unit because of the view but she could now be cheated of this.

**(-) Arnie Lerner – Architect – Lerner and Associates Architects**

- He urges the Commission to approve the project.
- To move the building to the zero setbacks would be the best decision.
- Most of the buildings are right up to the property line.
- There is an existing pattern with these buildings.

**(-) Jerry Spolter**

- He lives on 16<sup>th</sup> Street
- He thanks the Commission for being sensitive to their issues.
- There are many people here who have taken time from their jobs and daily life to be here to speak regarding this project.
- If the setback is required, they will be looking at a building which will be budding over the green area.

**(-) Sherry Shaw**

- She lives on Roosevelt Street
- Her apartment is on the ground floor and the construction will greatly impact the light and air that come into her building.

**(-) Joe Beyer**

- He owns a home on Roosevelt Way.
- He supports staff recommendations.
- By extending the setback, this will greatly affect the value of his property.

**(-) Mrs. Robert Dreher**

- She lives on Roosevelt Way.
- She strongly supports the zero setbacks because of the extra space this will take over the yard.
- There is a cluster of back yards that provide open space. If there is no setback it will not impact these yards.
- She has a very nice view of Bernal Heights and this setback will take over her view and block sun from her garden.

**(-) Adolf Mehar**

- He purchased his home in 1978 and had a "million dollar view".
- Then the City allowed a construction that eliminated part of his view. Now with this building, it will completely block his view.

**(-) Larry Wiman – DR Applicant**

- He doesn't want to repeat anything the previous speakers have said.
- He supports taking Discretionary Review.
- All of his neighbors do not oppose the zero setback.

**(+) Victor Kim – Architect and Owner of the Project**

- He has lived at this address for 4 years.
- This project is for his family and parents.
- He wants a home for his family.
- This project has gone on for too long.
- If the 4<sup>th</sup> Floor is eliminated it will eliminate two rooms and a full bathroom.
- He submitted further design changes to reduce the size of the 4<sup>th</sup> Floor.
- There are a lot of 4 story buildings in the neighborhood.
- The project fits within the context of the design guidelines.
- There are yards on both sides of the project.
- The park is situated away from the project.

**(+) Alison Kim**

- She is the co-owner of this project.
- The proposed house was in bad shape when they purchased it so they have had difficulty getting insurance. They then began to work on developing the project in order to make it safe.
- They have kept their neighbors informed of the designs and modifications this project has had.
- There is no basis for a zero setback variance.
- Over the four years that they have lived in the neighborhood, they have made a few friends.
- No one ever said that there were any negative impacts on this project.
- They don't understand why there has been a sudden shift of position.

**(+) George Broder**

- He read a letter from Chuck Womack who wasn't able to attend but is in favor of the project.

**(+) Douglas Chan**

- As a result of accommodating the Department's decision with concerns to the front setback, it forced the architect to design the project vertically. That is why the 4<sup>th</sup> floor was designed into this project.
- The massing has been mitigated by the graduated front setbacks on each level above the garage.
- There is an established pattern for the rooflines and that pattern is consistent.
- The owners of the property share a home office and telecommute so the 4<sup>th</sup> floor is quite important for this family.
- The project will not obstruct the views of the neighbors.

**ACTION:** Take DR and eliminate 4<sup>th</sup> floor. Sponsor can apply for a variance.

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

20. 2000.828D (WONG: 558-6381)

98 PENNSYLVANIA AVENUE (aka 1000 17th STREET) - west side, between 7th and 17th Streets, Lot 002 in Assessor's Block 3948 - Request for Discretionary Review on Building Permit Application No. 2000.03.06.3616 - The proposal is to construct a new four-story, 38,522 square foot building, including 14,528 occupied square feet of bulk retail and 14,311 occupied square feet of office use, of which approx. 3,600 is incidental storage space. The proposed structure will provide 39 off-street parking spaces, accessed from 17th Street, while loading will have access from Pennsylvania Avenue. The subject property falls within an M-2/IPZ (Heavy Industrial/Industrial Protection Zone) zoning and a 50-X height/bulk district.

Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

**SPEAKER(S): None**

**ACTION:** Without hearing, continued indefinitely.

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

21. 2001.0275D (MARTIN: 558-6616)

553 ARKANSAS STREET -east side between 20th and 22nd Streets, Lot 050 in Assessor's Block 4099. Mandatory Discretionary Review of Building Permit Application No. 200101270755, proposing to convert the existing three dwelling unit building into one single family dwelling to be owner-occupied, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and disapprove the proposal.

**SPEAKER(S):**

**(+) Richard Morrison – Project Architect**

- This is primarily a single-family neighborhood. Approving this merger will bring the project within the prevailing use of the neighborhood.
- The city will not lose a unit by this merger. Last year one unit was eliminated legally.
- This project has neighborhood support.
- Many of the neighbors have signed petitions and letters supporting this merger.
- This will be a benefit to the neighborhood.

**(+) April BaSalng**

- She is a first-time homeowner with a family of six.
- They are currently living in a two-bedroom apartment. Their plans are to reside in this home and be able to raise their kids.
- The merger will allow for their children to have their own rooms.
- She is concerned about having kitchens in children's bedrooms.

**(+) Peter Vander Sterre**

- He is a general contractor and has been working in San Francisco for many years.

- He would like to state that the use of this building is for a single-family home.
- The kitchens do not have enough ventilation. Since 1961, this building has been "chopped" up to have more units.
- Currently the law says that this building should serve 3 households or 3 couples; in other words 6 people. Yet there is a family living here with children who require space.
- This will grant a family the ability to live together.

**ACTION:** Take DR and allow for two dwelling units.

**AYES:** Baltimore, Joe

**NAYES:** Chinchilla, Fay, Lim, Salinas, Theoharis

**ACTION:** Do not take DR and approve the 3-unit merger.

**AYES:** Chinchilla, Fay, Lim, Salinas, Theoharis

**NAYES:** Baltimore, Joe

#### G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) Responding to statements made or questions posed by members of the public; or
- (2) Requesting staff to report back on a matter at a subsequent meeting; or
- (3) Directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**SPEAKERS:** None

Adjournment: 7:40 p.m.

**THE DRAFT MINUTES WERE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, AUGUST 16, 2001.**

**SPEAKERS:** None

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas

**ABSENT:** Theoharis



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# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, July 19, 2001

DOCUMENTS DEPT.

1:30 PM

NOV 16 2001

Regular Meeting

SAN FRANCISCO  
PUBLIC LIBRARY

**PRESENT:** Baltimore, Chinchilla, Joe, Lim, Salinas, Theocharis  
**ABSENT:** Fay

THE MEETING WAS CALLED TO ORDER BY PRESIDENT THEOCHARIS AT 1:33 p.m.

**STAFF IN ATTENDANCE:** Gerald G. Green, Director of Planning; Larry Badiner, Zoning Administrator; Max Putra; Samuel Assefa; Amit Ghosh; Paul Lord; Matt Snyder; Judy Martin; Michael Li; Michael Smith; Isolde Wilson; David Alumbaugh; Nora Priego, Transcription Secretary; Linda Avery, Commission Secretary

### A. ITEMS PROPOSED FOR CONTINUANCE

1. 2000.306C (TAM: 558-6325)  
215 CHURCH STREET, east side of Church Street, between Market and 15th Streets; Lot 64 in Assessor's Block 3544 - Request for a Conditional Use authorization to allow a full-service restaurant (CHOW) in excess of 2,999 square feet in floor area with an outdoor activity area, approximately 90 square feet in area, at the rear of the building in the Upper Market Neighborhood Commercial District and a 40-X Height and Bulk District, pursuant to Planning Code Sections 721.21 and 721.24. This request also includes an amendment to a previously approved Special Use authorization (81.526U) to increase the seating capacity from 40 to 68 seats and extend the hours of operation from 11:00 p.m. to 12:00 midnight.

Preliminary Recommendation: Pending.  
(Proposed for Continuance to August 2, 2001)

**SPEAKER(S):** None

**ACTION:** Continued to August 2, 2001

**AYES:** Baltimore, Joe, Lim, Salinas, Theoharis  
**ABSENT:** Chinchilla, Fay

2. 2000.1141C (SANCHEZ: 558-6679)  
2346-2348 CLEMENT STREET - north side between 24th and 25th Avenues; Lot 025 in Assessor's Block 1409 - Request for Conditional Use authorization under Planning Code Section 717.39 to allow the demolition of an existing mixed-use building with a residential unit at the second floor, and under Planning Code Section 161(j) to allow the construction of a four-story mixed-use building (four residential units and one commercial unit) without the four required residential parking spaces, within the Outer Clement Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District.  
Preliminary Recommendation: Pending  
**(Proposed for Continuance to August 9, 2001)**

**SPEAKER(S):** None  
**ACTION:** Continued to August 9, 2001  
**AYES:** Baltimore, Joe, Lim, Salinas, Theoharis  
**ABSENT:** Chinchilla, Fay

3. 2000.1165B (BRESSANUTTI: 558-6892)  
2 HENRY ADAMS STREET - west side between Division Street and Alameda Street; Lot 1 in Assessor's Block 3910. Request under Planning Code Sections 320-322 for project authorization of an office development consisting of the conversion of up to 49,900 square feet in an existing building (San Francisco Design Center) from wholesale design showroom space to office space. This notice shall also set forth an initial determination of the net addition of gross square feet of office space, pursuant to Planning Code Section 313.4. The subject property is located in an M-2 (Heavy Industrial) District and the Industrial Protection Zone, and a 40-X Height and Bulk District.  
Preliminary Recommendation: Approval with conditions  
(Continued from Regular Meeting of June 28, 2001)  
**(Proposed for Continuance to August 16, 2001)**

**SPEAKER(S):** None  
**ACTION:** Continued to August 16, 2001  
**AYES:** Baltimore, Joe, Lim, Salinas, Theoharis  
**ABSENT:** Chinchilla, Fay

4. 2001.0520D (VOLLMANN: 558-6405)  
844-848 GREEN STREET - north side between Mason and Taylor Streets, Lot 016 in Assessor's Block 0119, staff-initiated Discretionary Review of Building Permit Application No. 2001/05/02/8240, proposing to merge two units within a three family building located in a RM-2 (Residential, Mixed, Moderate Density) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and disapprove building permit application.  
**(Proposed for Continuance to September 13, 2001)**

**SPEAKER(S):** None  
**ACTION:** Continued to September 13, 2001  
**AYES:** Baltimore, Joe, Lim, Salinas, Theoharis  
**ABSENT:** Chinchilla, Fay

5. 1999.811D (PUTRA: 558-6233)  
1660 MISSION STREET - west side between South Van Ness Avenue and Thirteenth Street, lots 5 and 6 in Assessor's Block 3512. Request for Discretionary Review of Building Permit Application No. 2000 0515 0033, to construct a six-story above grade

level, approximately 76-feet-tall addition with 25,365 gross square feet of office and 5,073 square feet of parking at grade level. This is an addition to the existing 92,000-gross-square-foot city office building, of which 22,610 square feet are in an underground garage, in a C-M (Heavy Commercial) District; and a 105-J Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the Building Permit Application as revised.

(Continued from Regular Meeting of June 7, 2001)

**(Proposed for Continuance to September 20, 2001)**

**SPEAKER(S):** None

**ACTION:** Continued to September 20, 2001

**AYES:** Baltimore, Joe, Lim, Salinas, Theoharis

**ABSENT:** Chinchilla, Fay

6. 2000.0173C (LIGHT: 558-6254)  
500 FRANCISCO STREET (a.k.a. 401-499 BAY STREET & 501-599 BAY STREET) - north side of Francisco Street between Mason Street and Columbus Avenue; Lot 1 in both Assessor's Blocks 42 and 43. Request for a Conditional Use Authorization of a planned unit development for approximately 360 affordable housing units, a child care center, a computer learning center, ground level retail, and small scale neighborhood-serving office space in an RM-3 (Residential, Mixed, Medium Density) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Pending

**(Proposed for Continuance to August 16, 2001)**

**SPEAKER(S):** None

**ACTION:** Continued to August 16, 2001

**AYES:** Baltimore, Joe, Lim, Salinas, Theoharis

**ABSENT:** Chinchilla, Fay

7. 2001.0092EC (DEAN: 558-5980)  
1800-1820 SAN JOSE AVENUE - located on the west side of San Jose Avenue, between Santa Rosa Avenue and Colonial Way; Assessor's Block 3144A; Lot 31. Appeal of a Preliminary Negative Declaration. Proposed demolition of existing auto repair business structures, construction of two, four-story, nine-residential unit buildings,. One of the proposed buildings would have 800 sq. ft. of ground-story retail space. The project would provide 9 to 10 off-street parking spaces in each building. Parking garage entries would be from each of the side streets. The proposed project site is approximately 14,360 sq. ft. and is located in the NC-1 (Neighborhood Commercial Cluster) District and the 40-X Height and Bulk District. The project would require conditional use authorization by the City Planning Commission and lot split approval by the Department of Public Works.

Preliminary Recommendation: Uphold Preliminary Negative Declaration

**(Proposed for Continuance to August 16, 2001)**

**SPEAKER(S):** None

**ACTION:** Continued to August 16, 2001

**AYES:** Baltimore, Joe, Lim, Salinas, Theoharis

**ABSENT:** Chinchilla, Fay

8. 2001.0092EC (Sirois: 558-6313)  
1800-1820 SAN JOSE AVENUE - west side of San Jose Avenue, between Colonial Way and Santa Rosa Avenue, Lot 031 Assessor's Block 3144A. Request for Conditional Use Authorization to demolish a service station pursuant to Planning Code Section 228.3, and to develop 18 residential units and approximately 1,600 square feet of ground floor commercial spaces in two buildings on two lots greater than 5,000 square feet in an NC-1

(Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District pursuant to Planning Code Section 710.11 and 121.1.

Preliminary Recommendation: Approval with conditions  
**(Proposed for Continuance to August 16, 2001)**

**SPEAKER(S):** None

**ACTION:** Continued to August 16, 2001

**AYES:** Baltimore, Joe, Lim, Salinas, Theoharis

**ABSENT:** Chinchilla, Fay

## B. COMMISSIONERS' QUESTIONS AND MATTERS

9. Consideration of Adoption - draft minutes of June 21, 2001.

**SPEAKER(S):** None

**ACTION:** Approved

**AYES:** Baltimore, Joe, Lim, Salinas, Theoharis

**ABSENT:** Chinchilla, Fay

10. Commission Matters

**Commissioner Theoharis:**

*Re: Meeting Procedures*

The Board of Supervisors meeting this past Monday was disrupted and several people had to be arrested because they (people) were not following the democratic process. She is concerned about similar incidents happening at the Planning Commission. She agrees with President Amiano that people have the right to disagree and to demonstrate but it cannot come to a point that a meeting should be disrupted and/or cancelled.

*Re: Telecommunications Guidelines*

She saw something in the newspaper about having a moratorium on cell sites in order to allow Planning staff to update the Telecommunications Guidelines.

*Director Green replied that there has been legislation regarding this that was introduced at the Board of Supervisors on Monday. This would be a temporary moratorium on wireless communications facilities imposing interim zoning controls for a 6-month period. This legislation would instruct planning staff to review the siting guidelines and to determine whether or not they should be amended to consider the current issues that are being raised.*

Commissioner Theoharis would like to know who would provide the budget for this study when this happens?

*Re: Edgehill Way*

Last week there was a hearing for a case on this street. There was an article in one of the newspapers that inferred and insinuated that the reason this case was not approved was because the head of the builders association did not oppose it. This is simply not true. The neighborhood did so much work and the fact that they presented their case so compellingly that the Commission unanimously felt that it was meritorious for the neighborhood to have the power of Discretionary Review.

**Commissioner Salinas:**

*Re: Incident that Disrupted the Board's Hearing*

He witnessed the situation and he believes that the incident was handled properly. This Commission handles its affairs over and above board.

**Commissioner Chinchilla:**

*Re: flaw in the housing guide*

Last week at the Planning Commission hearing there was a case regarding a housing project on Market and Polk. This project pointed out a flaw in the housing guidelines. He would like the Director to schedule a hearing on this matter to discuss whether changes to the implementation manual of those guidelines can be made and when. If we have high-rise projects coming through and they are producing hundreds of housing units and are asking for discretionary acts, there has to be a nexus with an imposition of an affordable housing requirement. As he reads the housing element and the implementation guidelines, it appears that this might have been the intent but it's not executed in the language.

*Director Green responded that he will be working with the Mayor's Office of Housing and will schedule a hearing.*

**C. DIRECTOR'S REPORT****11. Director's Announcements**

*Re: Vacation*

Director Green will be on vacation, for the next two meetings, Mr. Larry Badiner will be Acting Director and Zoning Administrator for the first week. The following week, Mr. Badiner will be on vacation and Mr. Amit Ghosh will be the Acting Director and Mr. Jim Nixon will be the Zoning Administrator.

**12. Review of Past Week's Events at the Board of Supervisors and Board of Appeals****BOS**

1) There was an appeal of a Conditional Use for an antenna at 2489-2491 Washington Street. The project was to install three antennas at this location. The Board overruled the Commission's decision. Their main issue with this location was that there wasn't an adequate case made for the need of these antennas. This was a preference 6 site and the Board felt that there were other sites more appropriate and there wasn't a need for these antennas at this location.

2) Regarding the fiscal impact to the department on studying the guidelines, he will be taking up this matter with Supervisor Amiano. There are siting guidelines, which have been refined. He doesn't believe that this would require a lot of staff time.

**BOA**

*Re: 3633 Webster Street* – This project consisted of a two unit building in an RH-2 District. In the 1990's the Department approved space behind the garage that was only to be used as storage. It appears that over the years the property owner had been using this space as a separate unit. The property owner then applied for a permit to connect the lower ground floor spaces to the unit above which was being occupied by a tenant. The Board categorized this as a dwelling unit merger and denied the permit.

*Re: 2838 Sacramento Street* – This project was issued a 311 notice and there were no appeals. The permit was issued and more work was done than the neighborhood understood. Mr. Badiner issued a stop work order. His suspension of the project was appealed to the Board of Appeals and the work to the project continued.

*Re: 272 Missouri Street* – This project was a Discretionary Review, which the Commission heard in April of this year. The Commission upheld the project and allowed it to go ahead. The project was appealed and the Board took a motion to approve it.

asking for a voluntary contribution to pay the next-door neighbor \$3,000 to do half of the skylights. The Board requires 4 votes to overturn an approval and the votes resulted as 2 votes to overturn and 2 votes to deny so the motion did not pass therefore the Commission was upheld.

*Re: Building Department*

He (the Zoning Administrator) has been working with Mr. Chiu of the Building Department. Together they are trying to establish a permanent way to refer permits back to Planning if changes are made after the Planning Commission's/Department's action. He has tried to make this clear. This is a continuing process.

13.

(PUTRA/ASSEFA (558-6233 / 558-6625)

INDUSTRIAL AREA DESIGN GUIDELINES - Public Hearing and consideration of adoption of proposed Industrial Area Design Guidelines.

Preliminary Recommendation: Approve resolution adopting the design guidelines as Commission policy.

**SPEAKER(S):**

(+) Stanley Muraoka – San Francisco Redevelopment Agency – Project Manager for Bay View Hunters Point and India Basin

- The Agency supports these design guidelines because they are very much needed.
- There is very little control that the Agency or the Planning Department can exert to promote coherent design and to really enhance the environment in the industrial zones.
- He thanked the Director, Max Putra and Sam Assefa for their hard work.

(+) Dick Millet – Potrero Boosters Association

- He did notice that in the maps there are industrial areas that are not blacked out.
- Parts of Potrero Hill were not marked off on the report as well as South of Market areas.
- Should these areas have been included in the design guidelines?
- These areas came up in another brochure.

(+) Andrew Junius

- He has a comment about Page 18 of this report regarding retail usage--it should be encouraged on ground floors on primary street frontages. Please keep in mind that these are industrial areas and there is not going to be too much pedestrian traffic.
- He has been involved in many projects where they thought that retail would work and now there are many vacant locations.
- This is an important issue and he would like for the Commission to be a bit more sensitive to the fact that ground floor retail will be difficult in industrial areas where there is little or no pedestrian traffic.

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis

**ABSENT:** Fay

**RESOLUTION:** 16190

14.

2001.0602ETZ

(GHOSH/LORD: 558-6275/558-6311)

BAYVIEW/HUNTERS POINT COMMUNITY PLAN AREA - Informational presentation on the potential "Policies and Procedures" for the proposed Bayview/Hunters Point Community Plan Area. Such policies and procedures for this community plan area would be necessary after the expiration of the IPZ Interim Controls on August 2, 2001 and would remain in effect until permanent controls are adopted.

Preliminary Recommendation: No action item. Public and Commission deliberation

**SPEAKER(S):**

(+) Stanley Muraoka – San Francisco Redevelopment Agency – Project Manager for Bayview Hunters Point and India Basin

- The Redevelopment Agency supports this proposed study area. For over four years the Agency has been working closely with the Hunters Point community and in particular with the Bay View Hunters Point Project Area Committee.
- They have completed substantial work on the community revitalization concept plan.
- This concept plan is very consistent with the direction that the Department is taking.
- It is important to know that with the expiration of the interim controls the community and the agency feel that there should be some level of Planning Department review and control over proposals that come forward to the Department in the M1 and M2 zones.
- Later this year, the agency will bring the Bay View Hunters Point Redevelopment Plan to you.

**(+) Fran Martin – Visitation Valley Planning Alliance**

- Their large and diverse organization has been working to get a neighborhood planning process for the Schlage Lock site.
- During their monthly meetings, they have become knowledgeable about the planning process. They enjoy the support of many organizations throughout the City.
- Two years ago, they created a neighborhood survey to determine what the neighborhood's needs and desires were in the valley. This created a mixed-use plan for the Schlage Lock site.
- They support the concept of community planning areas. However, they request that Visitation Valley be designated as a separate area because of their special needs.
- They have a specific area focus, which is well defined.

**(+) Robin Chiang – President of the Board of Friends of Islais Creek**

- For the past 13 years they have been working with individuals and stakeholders around Islais Creek.
- The Third Street Light Rail, which is almost a \$13 billion project, will turn this area into a spectacular place.
- They have been working with various property holders in the area in order to discuss housing in the area.
- He hopes that the industrial development in the area will be sustainable.
- The nature of the industrial use is changing in San Francisco. The need for space could be diminished.
- He hopes that this will attract a lot of stakeholders to the area.

**(+) Lawrence Thibeaux – International Long Shoreman's Union**

- One of their concerns is the encroachment of houses too close to waterfront activity.
- They work 24 hours a day, it's noisy and there is light. This is just the way the waterfront works
- If houses are too close, people come to the Commission requesting that the port be closed.
- This causes unnecessary pressure on the work they do.
- He knows how things are in this area because he was raised in Hunters Point.
- There should be a buffer zone in the industrial areas so that housing cannot encroach into these industrial areas.
- Houses are getting closer and closer to the kind of activities that they are involved in and he is concerned about this.

**(+) Emily Rogers – Bayview HP Project Area Committee**

- She is here to represent the Bay View Hunters Point Area Committee.
- Although there are many industrial areas, the jobs are low paying for the Bay View Hunters Point residents.
- The issue of housing is greater in this area than in other areas on the City.
- They sent a letter to the Director with a copy to the Commissioners requesting a specific person to work with the community members of this area. A frequent and open dialogue is very important.
- They generally support the plan, but as a PAC representative he noted that there isn't a key person from the Planning Department to interact with their community.

- In regards to the concept plan, they want to continue working with the Planning Department and work with a community planning process but a dialogue is very important.

**(+) Julia Viera – Friends of Islais Creek**

- She understands the southeast section of the City more than anyone since she was the founding member of the Friends of Islais Creek; she is on the San Francisco Beautiful Board of Directors; Waterfront Plan Advisory Board of the Port of San Francisco for 7 or 8 years; Waterfront Plant Advisory Boards; Two terms on the Rec Park Open Space Committee.

- There is room for more quality housing for residents of this City, the kind the City needs.

- She believes that the Planning staff is a little "fuzzy" about the channel because they still refer to the waterway as a sewer.

- The proposal is for an IPZ to blanket this still emerging shoreline recreation area.

- The Port of San Francisco is to the east of the channel where there is recreational use. On the left side is the last piece of equipment, which his being restored with help of the ILW retirees as a San Francisco landmark.

**(+) Jim Chappell – President of SPUR**

- He would like to applaud the Department for their work on the Bay View Hunters Point Community Plan. He has some issues with the blanket IPZ use.

- A couple of years ago, they assembled a team of economists, and they decided that an IPZ is the wrong model since it misunderstand the difference between basic industry and support industry and it doesn't acknowledge the fact that we are a region.

- There are things that need to be subsidized, like artists for example.

- He submitted a report on the San Francisco economy.

**(+) Fred Pecker – International Long Shoreman's Warehouse Union**

- He represents the warehouse division. Recently they became aware of the fact that the port has tried to get more work into the City.

- One of the things that they have seen is that people who want to deal with container freight don't want to pay drayage.

- They want good neighborhoods and want good jobs to allow people to stay in the City.

- Manufacturing and Light Industries need a place to work. There is a need to preserve an area in the City for this.

- They don't want the waterfront to become some kind of dinosaur.

**(+) Jim Haas**

- He has had the privileged of working on Islais Creek.

- The south shore of Islais creek is not accessible to the public except for the small area that the Friends have developed for recreational purposes.

- This south shore is subject to the jurisdiction of BCDC.

- Something that has not been discussed is the proposal by the Public Utilities Commission to expand the sewer plant.

- This is not a suitable place for the sewer plant to expand.

- He hopes that the Commission studies the proposal well.

**(+) Steve Vettel – Morrison and Foerster**

- Defining PDR as production distribution and repair facilities makes sense in an urban environment.

- We don't need policies that protect cargo, warehousing, and heavy uses that don't work in an urban environment except at the port.

- All of the port lands in the southern waterfront are strictly industrial.

- The port just received responses to the RPF for Pier 70.

- The port is moving forward.

**(+) John Swinnerton – Dean's Services**

- They are greatly concerned with the current PDRs. More than 50% of his client base are food wholesalers who distribute food items throughout San Francisco and the other 50% are import and export who most recently go through the Port of San Francisco.

- Most of his employees live in San Francisco.

- His trucks will have to deal with the consequences of the Third Street Light Rail project.

**D. REGULAR CALENDAR**

15. 2001.0602ETZ (GHOSH/LORD: 558-6275/558-6311)  
INDUSTRIAL PROTECTION ZONE – SPECIAL USE DISTRICT – Consideration of adoption a resolution that imposes zoning controls establishing a Special Use District Industrial Protection/Zone where new residential , live/work and office/business services and information technology uses would not be permitted in the area generally bounded by Bayshore Avenue, 26<sup>th</sup> Street, 25<sup>th</sup> Street, Iowa Street, Tubbs Street, 22nd Street, San Francisco Bay, Islais Creek, Third Street, Evans Avenue, Rankin Street, Phelps Street, Oakdale Avenue, Selby Street and Helena Street.

Preliminary Recommendation: Approve Resolution adopting Permanent Industrial Protection Zone – Special Use District

**SPEAKER(S):** None

**ACTION:** Without hearing, continued to August 23, 2001

**AYES:** Baltimore, Joe, Salinas, Theoharis, Lim

**ABSENT:** Chinchilla, Fay

16. 2001.0293C (M. SNYDER: 575-6891)  
490 – 2<sup>nd</sup> STREET - northwest corner at Bryant Street, Lot 7 in Assessor's Block 3763. Request for Conditional Use Authorization under Planning Code Section 818.73 and 227(h) to install three sectors of antennas (four antennas in each sector for a total of twelve antennas) on the building's rooftop, and a base transceiver station within the building, in an SSO (Service / Secondary Office) District and a 40-X Height and Bulk District. The site is a Location Preference No. 4 (an industrial or commercial structure where there is no removal of existing visual clutter on the roof) under the WTS Facilities Siting Guidelines. The facility would be operated by Nextel Communications.
- Preliminary Recommendation: Approval with conditions  
(Continued from Regular Meeting of June 7, 2001)

**SPEAKER(S):**

**- Molly Kales – Nextel Communications**

- They had originally submitted an application for two-foot panel antennas, but the Planning Department asked them to revise their application to the 1-foot by 1 foot, which is the smallest antenna available to them.
- The equipment will be installed in the basement of this building.
- The need for this site is to help offload two existing sites, since they have reached capacity.
- In addition it would help I-80, the Bryant Street on ramp to both pedestrian and vehicular traffic and building coverage in the area.
- Engineers are here to answer any questions.

**(-) Jerry Brown – Engineer**

- They physically walked site in order to make sure all the addresses were notified will be mailed.

**(-) Lindsay Kelliher**

- She lives on Bryant Street.
- The proposed antennas will be placed just across from her living room.
- She has an issue regarding notification to the community. She finds it hard to believe that when this case was first advertised on the calendar, she was the cause that this case was continued because when the notices went out, the Department failed to send it to the apartment building where she lives which is just next door to the proposed building where the antenna will be installed.
- She was told by Nextel that there is some sort of shielding which Nextel can build that will help protect people in the area from radio frequencies and Nextel is not giving up this

information. At the community meetings they were told that there was shielding but it was really expensive.

(+) Bill Hammet – Registered Professional Engineer in California.

- The issue of shielding is not a normal one. Shielding is typically done for transmittal rooms where you are trying to keep out interference from equipment to each other.
  - Shielding can be done at other locations to shield other structures.
  - In this case all the FCC requirements have been met so there is no need for shielding.

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Joe, Theoharis, Lim

**NAYES:** Salinas

**ABSENT:** Fay

**MOTION:** 16191

17. 2000.1151CR (MARTIN: 558-6616)  
887 POTRERO AVENUE - SAN FRANCISCO GENERAL HOSPITAL - east side between 20th and 22nd Streets, Lot 002, Assessor's Block 4090 - Request for Conditional Use Authorization under Sections 234.2 and 209.6(b) of the Planning Code to install a total of three antennae: one flush-mounted to an existing penthouse on the east facade; one flush-mounted to the western building facade facing Potrero Avenue; and one hidden within a cylinder that simulates a vent pipe at the northwest corner of the building, with the base transceiver station to be located on the roof, as part of a wireless communication network operated by Sprint PCS in a P (Public) Zoning District and 105-E Height and Bulk District. The proposal is a Location Preference Number 1 (publicly-used structure) under the WTS Facilities Siting Guidelines.

Preliminary Recommendation: Approve with Conditions; finding of conformity with the General Plan.

**SPEAKER(S):**

(+) Jennifer Estes – Project Sponsor representing Sprint PCS

- This site complies with the WTS Facilities Siting Guidelines and the San Francisco Municipal Code and the FCC Guidelines.
  - San Francisco General Hospital is a Preference 1 location.
  - Two antennas will be flush mounted and painted the same color as the building.
  - There were two community meetings and notices were sent out in three languages.
  - A wireless facility is allowed in the district.
  - The site is necessary to allow coverage for the area and highway 101.

(-) Ena Lim = She is a member of SNAFU

- This organization has been working with the Board of Supervisors to determine better guidelines and locations for these antennas.
  - This location is a place where people are vulnerable. She believes that this is not a good location for these antennas.
  - Please give some thought to this site.

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Joe, Salinas, Theoharis, Lim

**ABSENT:** Fay

**MOTION:** 16192

18. 2001.0262C (LI: 558-6396)  
463 AND 471-473 BROADWAY - south side between Kearny and Montgomery Streets; Lots 024 and 025 in Assessor's Block 0163: -- Request for conditional use authorization to expand an existing bar within the Broadway Neighborhood Commercial District and a 65-A Height and Bulk District. The proposal is to allow the Hi-Ball Lounge to expand from approximately 2,500 square feet to approximately 4,300 square feet through the conversion of vacant commercial space on the ground floor.  
Preliminary Recommendation: Approval with conditions.

**SPEAKER(S):**

(+) Richard Rome – Representing Project Sponsor who is the tenant

- This project began as a seismic, disability and life safety upgrade.
- The ADA and life safety upgrade would take a lot of floor space.
- The combination of the two spaces will allow the same upgrade and more usable space.
- This proposal will allow the High Ball Lounge to remain in this area.

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Joe, Salinas, Theoharis, Lim

**ABSENT:** Fay

**MOTION:** 16193

**E. DISCRETIONARY REVIEW HEARING**

At Approximately 5:00 PM the Planning Commission convened into a Discretionary Review (DR) Hearing.

19. 2001.0562D (SMITH: 558- 6322)  
1519-37TH AVENUE - west side of the street between Kirkham and Lawton Streets , Lot 005 in Assessor's Block 1883, request for Discretionary Review of Building Permit Application No. 2001/01/22/0264, proposing to construct a one-story horizontal rear addition on an existing single-family dwelling located in a RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

**SPEAKER(S):**

(-) James Potts

- He has lived on 37<sup>th</sup> Avenue for over 30 years.
- This project will block 20 of his 25 feet, reducing his view to the south, changing airflow and infringing on his privacy.
- He displayed some pictures that showed the impact on his property.
- The building will block south access for rear view space.
- The deck will affect the privacy of his daughter's bedroom.
- Over 90% of the homes conform to the rear yard alignment.
- True, there has been some rear yard homes built on this block. Yet all were completed before Proposition M and with permits.
- Over 52 % of this addition is a single purpose room for a spa and swimming pool. What's to become of this room when the house is sold?

(-) Lou Felthouse – Louis H. Felthouse Architect

- Mr. Pots asked him to determine the impact of the proposed addition by doing a shadow study.

- He displayed a diagram, which indicates how the proposed addition will strongly impose a shadow on the neighbor's back yard.
- There were some questions regarding what would be included in the proposed addition.
- He displayed a diagram showing what the proposed construction would contain.

(-) John Murray – Attorney for Barbara Glowner

- To these property owners, it is a quality of life issue. They have been residents for over 35 years.
- The Glowner's will have increase noise and an invasion of privacy since anyone on the deck of the proposed construction will be able to see into their bedroom.
- The proposed spa will also be a distraction.

(-) Maureen Burn

- She lives on 37<sup>th</sup> Avenue.

- She is very concerned about the shadow, which will be caused by the proposed construction.

- The airflow will be affected as well.

- She hopes that they can reach a compromise.

**(+) Bill Guilmore – Project Architect**

- The project sponsors purchased this house with the understanding that they could make additions to their home.

- If the neighbors had any reasonable objections then if he can accommodate those objections. There could be compromise.

- He has a letter from Mrs. Valedarki's doctor stating that she has a back problem as well as physical problems. She therefore needs this endless pool.

- The proposed addition does meet the planning code and the residential design guidelines.

- The Valedarki's are more than willing to cooperate.

**(+) Mr. Valedarski**

- He would like to say that he already reduced the project three times.

- He needs the office since he works about 12 hours a day and it is convenient to have a home office.

- Some of the rooms require expanding.

- He is very flexible. He is a film producer and is used to being flexible and making changes.

- He would like to improve the quality of life of his family.

**ACTION:** Approved with the following amendments: 1) Setback will be 10 feet, 2) deck will be eliminated and 3) mechanical equipment will be housed inside.

**AYES:** Baltimore, Joe, Salinas, Theoharis

**NAYES:** Chinchilla, Lim

**ABSENT:** Fay

20. 2001.0666D (WILSON: 558-6602)

2836-2838 WASHINGTON STREET, between Scott and Divisadero Streets, Lot 013 in Assessor's Block 0979; staff-initiated request for Discretionary Review of Building Permit Application 2001105118954, proposing to revise a previously approved permit application (No. 9903501), to retain pre-existing building walls that serve as a parapet for the roof at the rear of the building, located in an RH-2 (House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and modify project.

**(-) Alexander Seidel – Property Owner**

- He is in support of what the staff is asking for.

- He displayed a photo of the parapets in the rear setback area. This was done without any permits. Eventually these were asked to be removed.

- The parapets were reduced so that the area wouldn't be used as a deck.

**(+) Diane Graden – Attorney representing Project Sponsor**

- They oppose further discretionary review.

- The issue today is the parapet on the 3<sup>rd</sup> and 4<sup>th</sup> floor roof areas of the property. There has been a request for DR on these parapets and she hopes that the Commission will not take DR.

- The parapets are there for fire protection. The parapet walls have been in existence for over 100 years without causing any negative privacy or aesthetic impacts.

- Combustible materials are all over the adjacent property.

**(+) Mr. Panado**

- The permit has been filed to clear up confusion at the Planning Department.

**(+) Robert C. Catone – Safety and Fire Consultant**

- He retired from the City and County of San Francisco after 29 ½ years working for the Fire Department; spent 15 years doing the plan review for the City and County; worked on Muni Metro and has worked 5 ½ years working at the San Francisco International Airport.
- There are two reasons for the parapet: 1) to prevent the spread of fire from the roof of the subject building to a nearby adjacent building; 2) to prevent the roof of the building from being exposed to fire from an adjacent building.
- Looking at the site, one adjacent building has vertical wood shingles and is attached to the subject building. They have lattice wood—which could be kindling wood. This wood would cause a vertical fire. The fire would go up and the parapet would prevent it from going horizontally.
- The subject property and the adjacent property have unprotected openings on the property line facing each other. This would cause a problem with fire spreading.

**ACTION:** Take Discretionary Review with the following recommendations: 1) Issue a notice of special restrictions so that there is no use of the roof area as decks--This includes any temporary or permanent fixtures; consider the removal of the existing walkable type surface; removal of the 2<sup>nd</sup> floor door.

**AYES:** Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis

**ABSENT:** Fay

#### F. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

#### Larry Edmond

- Use discretion regarding the Port of San Francisco
- African Americans and Gays should be represented at the Port.
- If the Commission has any jurisdiction over the Port of San Francisco, he would like the Commission to find out what is going on at 2<sup>nd</sup> and King Street.

Adjournment: 6:09 p.m.

**THE DRAFT MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, SEPTEMBER 13, 2001.**

**ACTION:** Approved  
**AYES:** Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis  
**ABSENT:** Fay



65  
10  
26/01

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, July 26, 2001

**1:30 PM**

DOCUMENTS DEPT.

NOV 16 2001

SAN FRANCISCO  
PUBLIC LIBRARY

**PRESENT:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas  
**ABSENT:** Theoharis

THE MEETING WAS CALLED TO ORDER BY VICE PRESIDENT FAY AT 1:45 p.m.

**STAFF IN ATTENDANCE:** Larry Badiner, Zoning Administrator and Acting Director; Adam Light; Michael Li; Ben Fu; Tina Tam; Thomas Wang; Tim Woloshyn; Mary Woods; Dario Jones; Nora Priego, Transcription Secretary; Linda Avery, Commission Secretary

### A. ITEMS PROPOSED FOR CONTINUANCE

1. 2000.1104C (M. SNYDER: 575-6891)  
488 BRYANT STREET - north side between 2nd and 3rd Street, Lot 18 in Assessor's Block 3763. Request for Conditional Use authorization under Planning Code Section 817.73 and 227(h) to install three panel antennas on the building rooftop and related backup equipment within the building in an SLI (Service Light Industrial Mixed-Use) District and a 40-X Height and Bulk District. This is a Preference Location 4.  
Preliminary Recommendation: Pending  
(Continued from Regular Meeting of June 28, 2001)  
(Proposed for Continuance to August 9, 2001)

**SPEAKER(S):** None

**ACTION:** Continued to August 9, 2001

**AYES:** Chinchilla, Fay, Joe, Lim, Salinas

**ABSENT:** Baltimore, Theoharis

2. 2000.1140X (LIGHT: 558-6254)  
1 POWELL STREET - west side between Eddy and Ellis Streets, Lot 5 in Assessor's Block 330 - Request under Planning Code Section 309 (Downtown Code) for Determination of Compliance to make minor modifications to the ground floor entrance and windows of the subject Category I Building, which is located in the Kearny-Market-Mason-Sutter Conservation District, to accommodate a retail store and to seismically retrofit the existing 138-foot tall, seven-story over basement building containing a ground level banking institution with office uses on the upper floors. The seismic retrofitting will be accomplished by infilling a large interior light well on the north side of the property with a structural system that will provide proper seismic reinforcement for the building. No exceptions under Section 309 of the Planning Code are requested by the proposed project. The project is located in a C-3-R (Downtown Retail) District and a 110-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions  
(Proposed for Continuance to August 16, 2001)

SPEAKER(S): None

ACTION: Continued to August 16, 2001

AYES: Chinchilla, Fay, Joe, Lim, Salinas

ABSENT: Baltimore, Theoharis

3. 2001.0015Z (WOODS: 558-6315)  
1052 OAK STREET - north side between Divisadero and Scott Streets, Lot 5 in Assessor's Block 1216 - Request for reclassification of a portion (approximately 3,136 square feet) of Lot 5 (a part of the Touchless Car Wash site) from NC-2 (Small-Scale Neighborhood Commercial) District to RH-3 (Residential, House, Three-Family) District. Currently, the entire lot area, approximately 4,199 square feet, of Lot 5 is zoned NC-2. This reclassification is to allow the construction of three new residential units in accordance with Planning Commission Motion No. 16036 relating to a conditional use authorization approved on November 16, 2000 to expand the car wash.

Preliminary Recommendation: Adoption of the Draft Resolution for Reclassification.  
(Continued from Regular Meeting of May 24, 2001)  
(Proposed for Continuance to September 20, 2001)

SPEAKER(S): None

ACTION: Continued to September 20, 2001

AYES: Chinchilla, Fay, Joe, Lim, Salinas

ABSENT: Baltimore, Theoharis

## B. COMMISSIONERS' QUESTIONS AND MATTERS

4. Commission Matters

### Commissioner Lim:

During the last hearing of the Board of Supervisors, Supervisor Leno proposed a resolution that the Planning Commission should not approve projects that does not include housing even if a Conditional Use permit is not required for the approval. Supervisor Leno gave an example of a project that was approved recently by the Planning Commission that is located on Market and Polk. Because the project did not require a Conditional Use permit, the inclusionary affordable housing was only five percent. Supervisor Leno suggested that the Commission not approve projects that don't have inclusionary housing. She believes that the supervisor is misinformed. She knows that the Commission has most always approved projects that have at least 10 percent of inclusionary housing. Since Supervisor Leno is misinformed, she would like to clarify the policy of this Commission to the supervisor. She urges the Commission to expedite

Commissioner Chinchilla's request about looking into the policies that cover inclusionary housing.

**Commissioner Chinchilla:**

He agrees that Supervisor Leno is misinformed. The only reason that this Conditional Use was not applied to the project on Market and Polk Street is because there is a flaw in the policy. He requests that the Planning Department review and potentially update the policy. It might be a drafting error.

**Commissioner Salinas:**

He requested information on the timeline of projects that have inclusionary housing. He is concerned that we have affordable housing that is in great demand but the process is not an expeditious one. He would like the Department to provide Commissioners with the most current 30 projects and determine the timeline for each project. The Commissioners are willing to help make this process an expeditious one.

**C. DIRECTOR'S REPORT**

**5. Director's Announcements**

Larry Badiner (Acting Director)

*Re: Supervisor Leno's Concern:*

It is not that the Commission is avoiding applying 10 percent affordability. He agrees that there is a drafting error and this was carried into Supervisor Leno's current proposal. The project located on Market and Polk did not require a Conditional Use so this was an exception. Another question and/or issue would be that another potential requirement should be a variance. Director Green has committed to having a hearing regarding these issues.

**6. Review of Past Week's Events at the Board of Supervisors (BOS) and Board of Appeals (BOA):  
BOS - **None****

**BOA - **None****

**D. REGULAR CALENDAR**

- 7a. 2001.0669XCV** (LIGHT: 558-6254)  
199 NEW MONTGOMERY STREET - east side between and with secondary frontages on Natoma and Howard Streets, Lot 21, in Assessor's Block 3722 -- Request under Planning Code Section 309 (Downtown Code) for Determinations of Compliance and Exceptions, including but not necessarily limited to: an exception to the Separation of Towers requirement (Section 132.1(c)); an exception to the Reduction of Ground Level Wind Current requirement (Section 148 (a)), and an exception to the rear yard requirement (Section 132.1); to construct a 150-foot tall, 16-story building containing approximately 168 dwelling units, ground floor retail, and 80 sub-grade parking spaces; The project lies within a C-3-O(SD) (Downtown, Office, Special Development) District and within a 150-S Height and Bulk District. This proposal replaces a previous project (2000.552BCVX) approved by the Planning Commission on February 15, 2001, that was for construction of a mixed-use building containing approximately 49,000 square feet of office, 99 dwelling units, ground level retail and 70 sub-grade parking spaces. The office square footage that was approved under Section 321 of the Planning Code (Annual Office Limit) will now be available for other project applications for office projects containing less than 50,000 square feet. The project is located in a C-3-O(SD) (Downtown Office, Special Development) District, and a 150-S Height and Bulk District.  
Preliminary Recommendation: Approval with conditions.

**SPEAKER(S):****(+) Jim Reuben, Reuben and Alter**

- Mr. Clark Manus will be presenting the project. He will speak on affordable housing policies.
- There is an ongoing public dialog regarding these policies.
- The current policy has been 10 percent for projects that require conditional use. He does not argue or want to get in the way of changing this.
- The project sponsor has been acting honorably under the circumstances.
- The market has changed and is reacting to these changes.
- The series of exceptions don't change the size of the building.

**(+) Clark Manus – Heller-Manus Architects**

- Gave a description of the project.
- This project was before the Commission a few months ago and it was accepted quite favorably.
- The exceptions, which were granted last time, were the same then as now.

**(-) Roger Brandon**

- This seems like another project to get rid of a parking lot.
- This is also not a residential district.
- There are businesses surrounding this project.
- This project is not necessary at all.
- This is not a good place for this type of project.
- People who work in downtown areas don't want to work (live?) so close to their jobs. Many people commute into the City.
- The average size of the units is quite small and appears to be very crammed.
- The developer is trying to squeeze in too many units

**(+) Lou Blazej**

- There is a historical perspective about housing in the downtown area.
- He would like the Commission to stick to the 10 percent policy.
- There should be a lot of open space throughout the building.
- This building is providing TDR's.
- This project is providing housing in the downtown as opposed to office use and this is a good thing.

**ACTION No. 1:** Approved the project with the following amended condition: 10% affordable units imposed on the first 99 units and 12% imposed on the rest of the mixed units which would equal 11% total of affordable units. Motion was withdrawn.

**ACTION No. 2:** Project was determined to be Consistent with Section 309.

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas

**ABSENT:** Theoharis

**MOTION:** 16194

7b.

2001.0669XCV

(LIGHT: 558-6254)

199 NEW MONTGOMERY STREET - east side between and with secondary frontages on Natoma and Howard Streets, Lot 21, in Assessor's Block 3722 -- Request under Planning Code Section 204.5 for a Conditional Use authorization to allow non-accessory parking. Sixty-three parking spaces are allowed as accessory parking by Code. The project sponsor is requesting 80 parking spaces, 17 of which require Conditional Use authorization by the Planning Commission. Parking is proposed to be provided below ground on four separate levels. (See item "a." above for a more complete project description.)

Preliminary Recommendation: Approval with conditions.

**SPEAKER(S): Same as those listed in Item 7a above**

**ACTION No.:** Project Approved with the following condition: The affordable housing requirement should be 11 percent which is equivalent to 18 units of affordable housing.

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas

**ABSENT:** Theoharis

**MOTION:** 16195

- 7c. 2001.0669XCV (LIGHT: 558-6254)  
199 NEW MONTGOMERY STREET - east side between and with secondary frontages on Natoma and Howard Streets, Lot 21, in Assessor's Block 3722 -- Request under Planning Code Section 140 for a Variance for dwelling unit exposure. Sixteen of the proposed units face an inner court that does not meet the requirements of Section 140 of the Planning Code for levels 2 through 14. Therefore, a variance must be sought and justified for the units on these levels facing solely on the inner court. (See item "a." above for a more complete project description.)

**SPEAKER(S):** Same as those listed in item 7a above.

**ACTION:** The Zoning Administrator Closed public comment and granted the variance

8. 2001.0223C (LI: 558-6396)  
1330-1342 POLK STREET - northeast corner at Austin Street; Lot 006 in Assessor's Block 0668 -- Request for Conditional Use authorization to expand an existing yoga studio within the Polk Street Neighborhood Commercial District and a 65-A Height and Bulk District. The proposal is to allow the Funky Door Yoga Center to expand from approximately 3,600 square feet to approximately 4,800 square feet through the conversion of existing retail space on the ground floor. There will be no physical expansion of the existing building.

Preliminary Recommendation: Approval with conditions

**SPEAKER(s):**

(+) Jeff Renthrow – Owner of Funky Door Yoga Center

- They have been open for about a year now and they would like to expand to the downstairs part of the building.

- The neighborhood supports the center and the expansion.

**ACTION:** Approved with the following conditions of approval: All signs are to be legalized.

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas

**ABSENT:** Theoharis

**MOTION:** 16196

- 9a. 2001.0584CV (FU: 558-6613)  
154-174 CAPP STREET - west side between 16<sup>th</sup> and 17<sup>th</sup> Streets, Lot 039 in Assessor's Block 3570 - Request for Conditional Use authorization under Planning Code Section 712.21, and pursuant to Section 121.1 to allow a non-residential use, a sewing shop, occupying more than 6,000 square feet in a NC-3 (Moderate-Scale Neighborhood Commercial) District with a 50-X Height and Bulk designation.

Preliminary Recommendation: Approval with conditions

**SPEAKER(S):**

(+) Marty Winter

- They are very proud of what they have done in the Mission District. His partner and he have done many changes and improvement to the building.

- They have done very positive things for a neighborhood that has been very tough.

- He hopes that the Commission will approve the project.

(+) Louis Goldhammer – Project Architect

- The use of this space has been industrial for the past 40 years.
- There has always been a sewing shop there.
- The project sponsor would like to lease the space to another sewing shop or any other industrial use.

**ACTION No. 1: Motion to continue project for 30 days – August 23, 2001.**

AYES: Chinchilla, Salinas  
NAYES: Baltimore, Fay, Joe, Lim  
RESULT: The motion failed

**ACTION No. 2: Approve the project with the condition that the space be used for a sewing factory only. Any other use would require the project to come back to the Planning Commission.**

AYES: Baltimore, Joe, Lim  
NAYES: Chinchilla, Fay, Salinas  
RESULT: The motion failed

**ACTION No. 3: Project Continued to August 9, 2001 to allow Commissioner Theoharis, who is absent, to review and participate.**

AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas  
ABSENT: Theoharis

## 9b. 2001.0548CY

(FU: 558-6613)

154-174 CAPP STREET - west side, between 16<sup>th</sup> and 17<sup>th</sup> Streets; Lot 039 in Assessor's Block 3570 in an NC-3 (Moderate Scale Neighborhood Commercial) District with a 50-X Height and Bulk designation. The proposal is to permit the conversion of an industrial building to a non-profit health center, the Native American Health Center, at the second level without providing the required additional parking spaces. Section 151 of the Planning Code requires that one off-street parking space be provided for each 300 square feet of occupied floor area in a NC-3 Zoning District. The Native American Health Center would occupy 9,800 square feet of floor area. Based on the floor area, 33 off-street parking spaces would be required. The existing three-story building has a parking deficiency of 20 spaces, which results in a net increase of 13 required spaces. The applicant proposes no additional parking spaces.

**SPEAKER(S): Same as those listed in item 9a above.**

**ACTION: The Zoning Administrator closed public comment and continued the item to August 9, 2001.**

## 10. 2000.1279C

(TAM: 558-6325)

522-524 CLIPPER STREET - north side between Diamond and Douglass Streets, Lot 9 in Assessor's Block 6545 - Request for Conditional Use authorization under Planning Code Section 121(f) to allow the subject lot to be subdivided into two lots. One of the newly created lots will have a width of 19 feet, which is less than the required 25-foot minimum. The proposal also includes construction of a new four-story, single-family dwelling on the newly created 19-foot wide lot. The property is located in a RH-2 (Residential, House, Two-Family) District and 40-X Height and Bulk District.

Preliminary Recommendation: Disapproval

(Continued from Regular Meeting of July 12, 2001)

**SPEAKER(S):**

**(+) Michael Levitt – Project Architect**

- The building is an existing Victorian and is significantly smaller than the other existing buildings.
- The original proposal for the project included an additional floor, as a mezzanine level. This level has been eliminated.
- The upper floors have been set back by request of the Planning Department.
- There is neighborhood support for this project.
- Supervisor Leno has reviewed the plans and is in support of the project.

- The original situation on the lot included a parking pad. The new project involves parking for 2 vehicles.

- The addition of the building will not deprive the neighbors of light and air.

**(+) Ben Geffen – Project Sponsor**

- In the last 30 years the house has been in a state of neglect and abuse.

- There was some construction done without permits.

- He displayed photos of what the house looks like now.

- There are some eucalyptus trees that are quite large, which will be a hazard during winter months. Proper landscaping will be installed.

**(+) Joe O'Donaghue**

- Mr. Geffen is not a member but he (Joe) is here as support.

- He has never known a project in Noe Valley that didn't have a protest. Yet this project has full support of the neighborhood including Supervisor Leno.

- The issue of light on the adjacent Victorian is a valid issue.

- If the Victorian would be demolished, the neighborhood would not support this yet it would be very costly to upgrade it so the architect has to be quite creative

**(+) Dragen Andrekovitch**

- He supports the project. All the neighbors support the project also.

- Cutting the trees would make everything nice and clean.

- Everyone supports the project.

**ACTION:** Continued to August 9, 2001 in order for project architect to submit revised architectural drawings and to have a representative from the Building Department attend the hearing.

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas

**ABSENT:** Theoharis

11. 2001.0332C (WANG: 558-6335)

777 BROTHERHOOD WAY - south side between Junipero Serra and Lake Merced Boulevards; Lot 033 in Assessor's Block 7380 - Request for Conditional Use authorization under Planning Code Sections 209.3(h) and 205.2(a) to add two temporary modular classroom buildings, each module measuring 1,440 square feet and increase the current enrollment from 92 to approximately 120 students in 2001 at the Lake Merced Church of Christ/the Bridgemont Junior High and high school site in an RH-1(D) (Residential, House, One-Family, Detached Dwelling) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with conditions.

**SPEAKER(S):**

**(+) Patrice Fambrini – representing Project Sponsor**

- This project is very important to this school and its students since it will provide comfort and safety to Bridgemont School.

- She would like to increase the amount of time for module placement. She would like to eliminate the 2 year time limit.

**(+) Peter Troper – Interim Principal**

- About 90 percent of their students have gone to colleges.

- They have a very diverse student body.

- Although it's a private school, they do have a lot of scholarships and discounts that they make available to lower income families.

- He hopes that the Commission approves the project.

**ACTION:** Project approved with the following amendments: module placement will have a 5 year time limit.

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas

**ABSENT:** Theoharis

**MOTION:** 16197

12. 2000.0758C (TAM: 558-6325)

110 VALE AVENUE - east side of Vale Avenue between Crestlake Drive and Sloat Boulevard; Lot 13 in Assessor's Block 2526A - Request for a Conditional Use authorization to allow the establishment of a residential care facility for 7 or more persons pursuant to Planning Code Section 209.3(c). The proposal is to establish the Nobis Care Facility, providing long-term care for a maximum of 9 elderly individuals, who do not require skilled nursing care. The proposal is located in an RH-1(D) (Residential, House, One-Family, Detached) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with conditions

**SPEAKER(S):**

**(+) Jerry Klein – Representing Project Sponsor**

- It is unfortunate that the application states 10 elderly individuals since they applied for 9 individuals.
- There have always been 9 individuals in the house, 3 of whom were members of the family and 9 of who are licensed care people.
- This would expand the state supervision over the entire 9 as opposed to only 6 that are supervised right now.
- These are elderly people who will not have wild parties.
- They agree to the limitation of 9 individuals.

**ACTION:**      **Approved**

**AYES:**      **Baltimore, Chinchilla, Fay, Joe, Lim, Salinas**

**ABSENT:**      **Theoharis**

**MOTION:**      **16198**

**E. DISCRETIONARY REVIEW HEARING**

At Approximately **4:20 PM** the Planning Commission convened into a Discretionary Review (DR) Hearing.

13.      **2001.0216D**      **(WOLOSHYN: 558-6612)**  
40-42 COLLINS STREET - west side between Mayfair Drive and Euclid Avenue, Lot 019 in Assessor's Block 1045 - Request for Discretionary Review of Building Permit Application No. 2000-1102-4756S proposing to add a one-story vertical addition to an existing two-family dwelling in an RH-2 (Residential House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed

**SPEAKER(S):**

**(-) Mr. Rothman – President of the Laurel Heights Improvement Association**

- There are many additions, which have been made in this neighborhood, and the Commission has always approved proper additions.
- The major concern here is the change in character of the neighborhood. If this project is approved, it will set precedence and many other additions will be requested.
- The overwhelming consensus of the residents is to keep the character of the neighborhood.
- The additional height will have an impact on the neighborhood.
- He is speaking on behalf of the 150 members of this association that they do not support this project.
- The BOS message is quite clear--they want to keep the character of neighborhoods.
- This is the wrong project for this neighborhood.

**(-) Jerry Klein**

- He has carefully drafted legislation to protect this neighborhood.
- Character is quite an important issue.
- They are seeking to protect the light, air and rear yards of the properties. Vertical extensions would jeopardize the neighborhood.

- The general feeling of the neighborhood should be protected by the code.
- The people of this association are willing to give up a vertical addition to their properties and they deserve recognition for this.

**(-) Donald Green**

- He displayed a map of the lots of the neighborhood indicating who is against the project and who is in support of the project.
- He also displayed a photograph of how the new construction will affect the light of the adjacent buildings.
- Another picture displayed showed how the new construction would be quite visible from the street level.
- Walking up Collins or walking down Collins one would be able to see the new addition.
- This construction will affect the character of the neighborhood.

**(+) Michael Zucker – Project Architect**

- He would like to thank the Commission for reviewing the project.
- The Planner has been very generous with his time.
- There are a number of things that need to be discussed. This is a special project for the project sponsor. The project sponsor's mother is the primary reason for this project.
- This construction is not designed to go against the character of the neighborhood.
- They have been very careful that the scale of the building, the materials and the design are comparable with the other homes.
- They do not believe that the zoning of the neighborhood should be changed.
- They have very strong support from people immediately adjacent to the project and the in the surrounding area.
- He displayed a model of how the proposed construction is compared to the adjacent buildings.

**(+) John Cushele – Planning Consultant**

- He has been a planning consultant for many years.
- There are 16 letters, all from immediate neighbors, who are supporting this project.
- He had a discussion with Supervisor Newsom, and they have no intention to do any legislation on this matter. They are not in favor of down zoning and would not introduce anything related to this matter.
- As a result of all this, a new organization--Laurel Heights Alliance, has been created.
- There are a number of substantial 4-story buildings in the neighborhood.
- This construction is just for a family who would like a place for their mother to live in.

**(+) Kiroko Zuzuki**

- She lives in the neighborhood.
- Her sister and her purchased the property 12 years ago.
- They have a vision to add an extra room for their aging mother in order to give her good care.
- Now is a good time to build an extra room for her. This would allow them to give quality care for their mother.
- They tried to get an alternative solution by buying a larger home but the rising costs of homes did not let them.
- They would like to make their mother happy so that she and her sister can be happy.

**(+) Karen Sager**

- She is speaking on behalf of her mother who lives in the neighborhood.
- Her mother has lived in the neighborhood since 1948.
- She has a common fence with the subject project and she will be the one most affected by this construction.
- She spends a lot of time with her mother so she knows what she can see and there are no views.
- Her mother is in complete support of this project. The remodeling is very modest and she thinks that the project sponsor is a fabulous neighbor and is doing this in good faith.
- There are many older people in the neighborhood and they try to keep the status quo of the neighborhood. But her mother and other neighbors would like young people to come into the neighborhood.

**(+) Carol Hess**

- She owns a pair of flats in the neighborhood.
- There was a letter that was sent to the Laurel Heights Improvement Association, which had misinformation regarding this project.
- She hopes that the Commission will allow this project.

**(+) Mathew Kisp**

- He supports the project. He and his fiancée have just moved into the neighborhood.
- They believe that they will be able to have children and would like to at some point made additions to their property.
- If this project is not approved, it will keep young families from coming into the neighborhood and growing.
- There have been some inaccuracies related to this project.

**(+) Don Holter**

- He lives on Collins Street
- He supports the project sponsor.
- As a neighbor in the area, he is against the statement that there are various neighbors who are against this neighborhood.
- The houses in the neighborhood are quite expensive so this is not an inexpensive neighborhood.
- The character of the area consists of flats, single-family, 3-stories, and 4-stories. The character of the neighborhood varies.
- This project will not impede parking.
- He hopes that the Commission supports the project sponsor 100 percent.

**ACTION:** Discretionary Review was not taken. The project was approved.

**AYES:** Baltimore, Chinchilla, Joe, Lim, Salinas

**NAYES:** Fay

**ABSENT:** Theoharis

14. 2001.0612D (WOODS: 558-6315)  
124-126 7<sup>th</sup> AVENUE - east side between Lake and California Streets, Lot 39 in Assessor's Block 1366. Staff-initiated request for Discretionary Review of Building Permit Application No. 2001/04/20/7373S, proposing to merge an existing two-unit building into a single-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and disapprove the proposed merger.

**SPEAKER(S):****(+) Mike Lusse**

- He is a parishioner of St. Mary the Virgin Church.
- They plan to upgrade the house seismically, life-safety issues, etc.
- They respectfully ask that the Commission vote to merge the units.

**(+) Jim Forsythe – Controller for the Episcopal Church**

- St. Mary the Virgin Episcopal Church has been very active in providing housing.
- One of the major reasons they ask for the support of the Commission is so that the church will be able to provide housing from the budget they have.
- This particular property fits their financial capabilities and is close to the church.
- This would not be detrimental to the neighborhood.
- On behalf of the Bishop, he hopes the Commission will approve the project.

**(+) Father Jason Parkin – Pastor of St. Mary the Virgin**

- This project has been a commitment for various years and has been growing strongly.
- Churches are not well equipped and are not interested in becoming landlords.
- He is here not only as a pastor but also as a father and husband.
- The issue here is not about the Parkin family but about the ministry of this church and this community.

**ACTION:** Discretionary Review was not taken. The proposed merger was allowed with the following condition: Must construct a basement unit.  
**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas  
**ABSENT:** Theoharis

15. 2001.0209D (JONES: 558-6477)  
235 SANTA PAULA AVENUE - between Yerba Buena Avenue and San Jacinto Way, Lot 026 in Assessor's Block 3078, request for Discretionary Review of Building Permit Application No. 2001/12/21/8505, proposing for the construction of a two-story rear horizontal extension to the existing two-story, single-family residence in an RH-1(D) (Residential, House, One-Family Detached Dwellings) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take DR and approve as submitted.

**SPEAKER(S):**

**(-) Sue Hestor – Representing DR Requestor**

- She displayed a picture showing the front of the subject property and adjacent properties.
- There is a rather steep grade between Santa Paula and Yerba Buena. As a result, the lot is fairly shallow and the DR requestor looks into a hill.
- The addition is to the rear of the house.
- They are requesting that instead of the addition going straight up from the old addition, that the 2<sup>nd</sup> floor be set back 3½ feet and instead of having a pitched roof, to have a flat roof; so windows can continue to look out at the sky;

**(-) Lisa Jacobson**

- She lives on Santa Paula Avenue
- She purchased her home in 1995 and has one of the smallest homes in the Saint Francis Woods area.
- One of the many things she loves about her house is the cottage style.
- The proposed construction will block 3 windows that provide sunlight to her home.
- She would like the addition to be pushed back 3½ feet and for the roof to be flat so she won't loose so much of the natural sunlight.

**(-) Arnie Lerner – Architect**

- He was asked by the project sponsor to view the design.
- He displayed pictures of the project.
- He doesn't believe that the requests that they have made are unreasonable since they don't affect the urban design or the character of the neighborhood.

**(-) Peter Van Dousky**

- He and his wife have lived in Saint Francis Woods for over 18 years.
- The peaked roof from the proposed construction will block light from their yard and to their office located on the first floor of their house.
- They support the proposed modifications suggested by DR requestor.

**(-) Vanessa Marque**

- She lives on Yerba Buena.
- She wasn't able to be here for the first meeting but she is here today representing her next door neighbors as well.
- It is very disconcerting that trees have been cut down and now they are proposing the addition.

**(+) Robert Crem – Project Sponsor**

- He lives on Santa Paula Street
- They moved into their home in 1999.
- They discovered that there were several structural problems with the home. They hired an architect to help them fix these structural problems yet keep the design and character of the home.
- He met with their neighbors and members of the homeowner's association.

- They have worked very cooperatively with their neighbors.
- They have letters of support from various neighbors and organizations.
- The DR requestor has not been too cooperative.
- He believes that his project is very modest and hopes that the Commission will approve his project.

**(+) John Lau – Civil Engineer and Building Designer**

- He has been a building designer for over 30 years.
- The main structural problem with the property was the foundation.
- He came up with a plan to improve the foundation and increase the size of the home with a design that would match the character of the neighborhood.

**ACTION:** Discretionary Review was not taken and the project was approved.

**AYES:** Baltimore, Chinchilla, Fay, Lim, Salinas

**NAYES:** Joe

**ABSENT:** Theoharis

**F. PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**Sue Hestor**

**Re: 311 Notice Process**

- In the past month, she has had 3 cases where after notices were sent out, the plans went to DBI and they suggested changes to the plans. She has been speaking to DBI, planning and BOS in order to try to get out of this impasse.
- If an expansion of the building envelope happens while the project is going through the approval process of DBI it should get another 311 Section notice.
- It is frustrating to have to deal with these cases when they are under construction or they are at the Board of Appeals.
- This needs to be dealt with and the Commission needs to be aware of how important this issue is.

Adjournment: 6:30 p.m.

**THE DRAFT MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, SEPTEMBER 20, 2001.**

**ACTION:** Approved

**PRESENT:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas

**ABSENT:** Theoharis

SF  
C55  
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3/2/01

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers, Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, August 2, 2001

1:30 PM

DOCUMENTS DEPT.

NOV 16 2001

SAN FRANCISCO  
PUBLIC LIBRARY

PRESENT: Theoharis, Baltimore, Chinchilla, Joe, Lim, Salinas

ABSENT: Fay

MEETING WAS CALLED TO ORDER BY PRESIDENT THEOHARIS AT 1:45 P.M.

STAFF IN ATTENDANCE: Gerald G. Green - Director of Planning; Larry Badiner - Zoning Administrator; Tina Tam; Ben Fu; Dan Sider; Alison Borde; Mat Snyder; Nora Priego - Transcription Secretary; Linda D. Avery - Commission Secretary

### A. ITEMS PROPOSED FOR CONTINUANCE

- 1a. 2001.0202CV (LI: 558-6396)

136-142 TAYLOR STREET - east side between Eddy and Turk Streets; Lot 014 in Assessor's Block 0340: -- Request for Conditional Use authorization to reduce the off-street parking requirement for a six-unit residential building within an RC-4 (Residential-Commercial Combined, High Density) District, the North of Market Residential Special Use District, and an 80-120-T Height and Bulk District.

Preliminary Recommendation: Approval with conditions  
(Proposed for Continuance to August 9, 2001)

ACTION: Continued as proposed

AYES: Theoharis, Baltimore, Chinchilla, Joe, Lim, Salinas

ABSENT: Fay

- 1b. 2001.0202CV (LI: 558-6396)

136-142 TAYLOR STREET - east side between Eddy and Turk Streets; Lot 014 in Assessor's Block 0340: -- Rear yard, usable open space, and dwelling unit exposure variances sought. The proposal is to convert a vacant commercial building to a mixed-use building containing six dwelling units above ground-floor retail space within an RC-4 (Residential-Commercial Combined, High Density) District, the North of Market Residential Special Use District, and an 80-120-T Height and Bulk District. There will be no physical expansion of the existing building. The Planning Code requires the provision of a rear yard (Section 134), usable open space (Section 135), and dwelling unit exposure (Section 140). The project will not provide a rear yard or usable open space, and three of the dwelling units would not have the proper required exposure.

(Proposed for Continuance to August 9, 2001)

ACTION: Continued as proposed

AYES: Theoharis, Baltimore, Chinchilla, Joe, Lim, Salinas

ABSENT: Fay

2. 2000.1315C (M. SNYDER 575-6891)  
52 SHERIDAN STREET - north side between 9th and 10th Streets, Lot 34 in Assessor's Block 3519 -- Request for Conditional Use authorization under Planning Code Section 816.13 to demolish an existing single family house. The project would also include the construction of a new 50-foot tall, 75-feet deep building that would contain four dwelling units and one commercial unit. The property is within an SLR (Service / Light Industrial / Residential Mixed Use) District, a 50-X Height and Bulk District, and a Mixed-Use Housing Zone (as designated in Planning Commission Resolution 14861).  
Preliminary Recommendation: Approval with conditions  
**(Proposed for Continuance to August 9, 2001)**

**ACTION:** Continued as proposed  
**AYES:** Theoharis, Baltimore, Chinchilla, Joe, Lim, Salinas  
**ABSENT:** Fay

3. 2001.1190D (SANCHEZ: 558-6679)  
2801-2825 CALIFORNIA STREET - southwest corner at Divisadero Street; Lot 001 in Assessor's Block 1028 - Request for Conditional Use authorization pursuant to Section 711.83 of the Planning Code to install a total of three antennas and GPS receiver on the roof with related connection to an equipment shelter within the basement of an existing three-story, mixed-use building, as part of Sprint PCS's wireless telecommunications network within an NC-2 (Small-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District. As per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the proposal is a Preferred Location Preference 5 as it is a mixed-use building within a high-density district.  
Preliminary Recommendation: Pending  
(Continued from Regular Meeting of June 21, 2001)  
**(Proposed for continuance to September 20, 2001)**

**ACTION:** Continued as proposed  
**AYES:** Theoharis, Baltimore, Chinchilla, Joe, Lim, Salinas  
**ABSENT:** Fay

- 4a. 2000.497CV (CHIN: 575-6897)  
611 JONES STREET - west side of Jones Street near the northwest corner of Jones and Geary; Lot 003 in Assessor's Block 0304 - Request for Conditional Use authorization pursuant to Sections 249.5(c)(14), 253(a) and 263.7 of the Planning Code to demolish a single-family dwelling and construct an eight-story, 103 foot tall, eight unit condominium building, in a RC-4 (Residential-Commercial Combined Districts, High Density) Zoning District, North of Market Special Use District-1 and an 80-130-T Height and Bulk District.  
Preliminary Recommendation: Approval with conditions  
**(Proposed for Continuance to August 23, 2001)**

**ACTION:** Continued as proposed  
**AYES:** Theoharis, Baltimore, Chinchilla, Joe, Lim, Salinas  
**ABSENT:** Fay

- 4b. 2000.497CV (CHIN: 575-6897)  
611 JONES STREET - west side of Jones Street near the northwest corner of Jones and Geary; Lot 003 in Assessor's Block 0304: -- REAR YARD VARIANCE SOUGHT: The proposal is to demolish a single family dwelling and construct an eight-story, 103 foot tall, seven unit condominium building, in a RC-4 (Residential-Commercial Combined Districts, High Density) Zoning District, North of Market Residential Special Use District-1 and a 80-130-T Height and Bulk District. Section 134(a)(1) of the Planning Code requires a minimum rear yard of 21 feet 10 inches for the subject property, measured from the rear property line. The proposed building would encroach into the required rear yard by amounts varying approximately from 6 to 15 feet, thereby requiring a rear yard variance.  
**(Proposed for Continuance to August 23, 2001)**

**ACTION:** Continued as proposed  
**AYES:** Theoharis, Baltimore, Chinchilla, Joe, Lim, Salinas  
**ABSENT:** Fay

**B. COMMISSIONERS' QUESTIONS AND MATTERS****5. Commission Matters**

**Lim:** Last month the Commission approved a housing project that has almost 200 units, and the Zoning Administrator indicated that he wanted to make sure that the housing is not for corporate housing but rather for permanent housing. Do we need to insure or make a motion that we will record a restriction on the deed, to make sure that the housing is for permanent housing?

**Theoharis:** When the Sunshine Ordinance was inacted, appointed officials were required to take the Sunshine Ordinance training, do we have to do it again?

**RESPONSE:** *If you have taken the class you don't have to take it again. However, once you have taken the class, you are required to annually submit a signed declaration that you have read the SF Sunshine Ordinance and received training.*

**C. DIRECTOR'S REPORT****6. Director's Announcements**

**Ghosh:** - The Department released the 2000 Annual Housing Inventory this week. It records a production of housing at a 20% increase over 1998. It is the largest housing increase since 1991.

- **Final action on the budget:** The Board of Supervisors took \$250,000 dollars out of our budget and gave it to the Transportation Department to do the design of Market Street.

**7. Review of Past Week's Events at the Board of Supervisors and Board of Appeals**

**B of S:** None

**B of A:** City Attorney requested that the rules be set aside regarding the amount of time allowed for asking for a rehearing. This was related to a case the Commission heard regarding a live/work project at 1696 Pennsylvania Avenue.

**D. REGULAR CALENDAR****8. 2000.306C**

(TAM: 558-6325)

**215 CHURCH STREET** - east side of Church Street, between Market and 15th Streets; Lot 64 in Assessor's Block 3544. Request for Conditional Use authorization to allow a full-service restaurant (CHOW) to expand to greater than 3,000 square feet in floor area by the creation of an outdoor activity area, approximately 238 square feet in area, at the rear of the building in the Upper Market Street Neighborhood Commercial District and a 80-B Height and Bulk District, pursuant to Planning Code Sections 721.21 and 721.24. This request also includes an amendment to a previously approved Special Use authorization (81.526U) to increase the seating capacity from 40 to 68 seats, including outdoor seating, and to extend hours of operation from 11:00 p.m. to 12:00 midnight.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of July 19, 2001)

**ACTION:** Without hearing, continued to 8/23/01

**AYES:** Theoharis, Baltimore, Chinchilla, Joe, Lim, Salinas

**ABSENT:** Fay

**9. 2000.1275C**

(TAM: 558-6325)

**401 TARAVAL STREET** - southwest corner of Taraval Street and 14th Avenue; Lot 1 in Assessor's Block 2411. Request for Conditional Use authorization to install a total of three panel antennae on the building rooftop and an interior equipment shelter in the basement of an existing two-story over basement commercial office building as part of a

wireless telecommunication network (Sprint PCS), pursuant to Planning Code Section 711.83, in a NC-2 (Small-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District. The site is a Location Preference 3.

Recommendation: Approval with conditions.

(Continued from Regular Meeting of July 12, 2001)

#### PROJECT WITHDRAWN

10. 2001.0641C (FU: (558-6613))  
1275 MISSION STREET - south side, between 8<sup>th</sup> and 9<sup>th</sup> Streets, Lot 075 in Assessor's Block 3728: Request for Conditional Use Authorization under Planning Code Section 816.21, to allow an assembly and social service use as defined by Planning Code Section 890.50(a), in a SLR (Service/Light Industrial/Residential Mixed Used) District with a 65-X Height and Bulk designation.  
Preliminary Recommendation: Approval with conditions

#### SPEAKER(S):

(+) Norma Hotelin -

- Gave a brief description of the programs/services provided at Sage

(+/-) Daniel Benjamin

- Next door neighbor at 1267 Mission Street
- Not totally against the program, but would like to have a warranty that the street is going to be monitored; that there won't be people hanging out or going onto his property; if it stays the way it is, there will be no problems.

(+) Jake Kejana, Board member of SAGE

- Supports project

(+) Joe Lacara, Community Project Manager of the Hilton Hotel in San Francisco

- Supports project

(+) Maryland Robinson

- This program will be there to help a lot of people in the neighborhood

(+) Carol Chapman, representing the Department of Public Health

- Department of Public Health supports the project

(+) (name unclear), Coordinator of the First Defendant Prostitution Program in San Francisco, and also a former patient of Sage

- Urged the Commission to approve the project

(+) Autumn Brass, Administrative Director at Sage

- Hope the services provided by Sage will continue in the City of San Francisco

(+) Dr. Jean Coburn

- Supports program

(-) Rodney Morrison

- Urged the Commission to reject future additions to the existing unfair concentration of such service agencies in our neighborhood

(-) Robert Cunigie

- Concerned about the amount of social services in the area

(-) Mauri Sirols, Renaissance Hotel

- We do need to look at what is going on in the South of Market

- South of Market has been dumped with social services agencies

(-) (name unclear), Artist

- Concerned about the amount of drug dealing and homelessness due to the social services in the area

- Urged the Commission to take into consideration what is happening to the South of Market

(-) Michelle Turnpin

- The area is not being given an opportunity to try to improve our own quality of life, before we have another social services organization coming in.

- Concerned about the impact of these agencies in the area

(-) Gittica Gougha

- Concerned about the amount of people who visits the neighborhood at night, and the loitering

- Instead of this proposal, we need more services to keep the area clean

(-) Tim Tilbet

- The agencies in this area need to have a regulatory commission to regulate them

(-) Peter Strites

- Do not allow another social service in the area

- (-) Robert Kashin
    - Opposed to the expansion of the program
  - (-) Ahman Jami
    - Opposed the project
  - (-) Anthony Wolf
    - Concerned about the security of the people who live in the area
- ACTION:** Approved as amended:  
**4. The hours of operation shall be restricted to 9:00 a.m. to 5:00 p.m.**  
**Monday to Friday.**

**AYES:** Theoharis, Baltimore, Chinchilla, Joe, Lim, Salinas

**ABSENT:** Fay

**MOTION #:** 16199

11. 2001.0479EC (SIDER: 558-6697)  
1875 MARIN STREET and 1990 EVANS AVENUE - a generally rectangular area comprising the majority of the land on the block bounded by Marin and Napoleon Streets, Evans Avenue, and the Cal-Train Right-of-Way/Interstate 280; Lots 1 and 2 in Assessor's Block 4347A: Request for Conditional Use authorization to allow the demolition of industrial buildings resulting in displacement under the Interim Industrial Protection Zone (IPZ) adopted by Planning Commission Motion Numbers 14861 and 14887. The project proposes the demolition of approximately 116,000 square feet of industrial space and the construction of an approximately 111,000 square foot distribution facility to be occupied by Federal Express. The existing industrial businesses on-site employ 16 people, while the proposed use will provide approximately 165 jobs. The 4.2 acre site is within an M-2 (Heavy Industrial) Zoning District and a 65-J Height and Bulk District.  
Preliminary Recommendation: Approval with Conditions.

**SPEAKER(S):**

- (+) Lu Blazej, representing Project Sponsor
  - Gave a description of the project
- (+) Chris Jolivet, Senior Manager at Federal Express on Harrison Street
  - The proposed site on Evans is a huge advantage and opportunity for Federal Express to serve San Francisco
- (+) Paul Eveloff
  - Supports approval of the project
- (+) John Lewerenz
  - Supports the project
- (+) Ron McMahon
  - This project will have a positive impact on this part of San Francisco and will bring relieve to a badly congested area on Harrison Street
- (-) Ena Aguirre
  - The community has not been contacted by the project sponsor
  - How can a project go this far without asking or involving the community?
- (-) Mel Washington, President, Bayview Merchants Association
  - Did not receive any notification regarding the project

- ACTION:** Approved as amended:  
**"The Project Sponsor shall work with community agencies and organizations with the goal of hiring neighborhood residents to fill jobs created as a result of the project. The program shall be reviewed by Planning Department staff prior to implementation."**

**AYES:** Theoharis, Baltimore, Chinchilla, Joe, Salinas

**NAYES:** Lim

**ABSENT:** Fay

**MOTION #:** 16200

At Approximately 4:30 PM the Planning Commission convened into a Special Discretionary Review (DR) Hearing to hear and act on Discretionary Review matters

12. 2001.0200DDDDD (BORDEN: 558-321)  
738 DUNCAN STREET - north side between Douglass and Diamond Streets, Lot 6A in Assessor's Block 6588 -Request for Discretionary Review of a proposal, under Building

Permit Application No. 2000/06/16/2894 to add an additional story to the existing building and to construct a 9' deep x 22' wide 2-story addition at the rear of the building in an RH-1 (House, One-Family) District and a 40-X Height and Bulk District. A stair and landing are proposed in the 3' set back at the west side of the rear addition.

Preliminary Recommendation: Take discretionary review and approve the building permit application with modifications.

**SPEAKER(S):**

**(+) John Twichell, Planning Consultant, representing DR requestors**

- Discretionary Review applicants are in support of the staff recommendations
- Project Sponsors do not have any support from any of the property owner in this particular area
- Serious issues dealing with privacy, light and air
- There is a history to this project. The same property owner with the same item came approximately 11 years ago to the Planning Commission. The Commission at that time took DR and defined what they thought was appropriate for this site.

**(+) Michael Zucker, Architect**

- Urged Commission to approve staff recommendations

**(+) Kevin Rowney**

- Very frustrated trying to dialogue with property owner
- There is no willingness to compromise

**(+) Amy Bagott**

- Concerned about privacy, light and air

**(+) Ye Gong**

- Moved to the neighborhood 2 weeks ago, she has not had adequate time to review the modifications and has not had a chance to meet the owner.
- Opposing the construction that affects the east window on her property line

**(+) Don Eesley**

- Opposed the construction of a big building that will impact the light on his property and the rest of the neighborhood

**(-) Rahmad Zandian, Property Owner**

- Gave a description about the project

**(-) Desreee Zandian**

- Supports project

**ACTION:** Take Discretionary Review and approve staff recommendations with the removal of the property line windows proposed at the east side of the vertical addition

**AYES:** Theoharis, Baltimore, Chinchilla, Joe, Lim, Salinas

**ABSENT:** Fay

13.

2001.0633DD

(M.SNYDER: 575-6891)

598 MISSOURI STREET - west side between 20<sup>th</sup> and 22<sup>nd</sup> Streets, Lots 005, 006 and 007 in Assessor's Block 4100 - Request for Discretionary Review of Building Permit Application Nos.2001-01-03-9033, 9046, 9034, 9036, 9048, 9050, 9045, 9056, 9047, 9060 and 9040, proposing to construct 11 two-unit structures (on three vacant lots between 550 and 628 Missouri Street) in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed

**SPEAKER (S):**

**(+) Paul Minton, Vice President, Potrero Hill Boosters Neighborhood Association**

- Concerned about the shadow impact
- One of the solutions would be reducing heights
- Concerned about rear yards.
- Would like to request the rear yard setback be increased

**(+) Su Suttle Taggart, DR requestor**

- Height is extremely high
- Developer should decrease the height of the buildings

**(+) Dick Millett**

- Happy to see the site being developed

- (+) **M. Joseph Schaller**
    - Concerned about the loss of sunlight
  - (neutral) **Audrey Cole**
    - Concerned about the height of the buildings
  - (+) **Joe Boss**
    - Supports Discretionary Review
  - (+) **Ellen Kernaghan**
    - Supports Discretionary Review
  - Bob Baum, Project Architect**
    - Gave a description of the project
  - (-) **Chris Camberlango**
    - Urged Commission not to take Discretionary Review
  - (-) **Alice Barkley, project attorney**
    - Do not take Discretionary Review
- ACTION:** No Discretionary Review. Project approved as proposed  
**AYES:** Theoharis, Baltimore, Chinchilla, Joe, Lim, Salinas  
**ABSENT:** Fay

#### G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**SPEAKER(S):**

**Saran Taggart**

Re: Rejection of DR on 598 Mission Street

**Dick Millett**

Re: Rejection of DR on 598 Mission Street

**Paul Minton**

Re: Rejection of DR on 598 Mission Street

**Joseph Shallan**

Re: Rejection of DR on 598 Mission Street

**Alice Barkley**

Re: Approval of project on 598 Mission Street

Adjournment: 6:50 p.m.

**THE DRAFT MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, NOVEMBER 8, 2001.**



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# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, August 9, 2001

DOCUMENTS DEPT.

1:30 PM

NOV 16 2001

Regular Meeting

SAN FRANCISCO  
PUBLIC LIBRARY

PRESENT: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis  
ABSENT: None

THE MEETING WAS CALLED TO ORDER BY VICE PRESIDENT FAY AT 1:35 p.m.

STAFF IN ATTENDANCE: Gerald G. Green, Director of Planning; Larry Badiner, Zoning Administrator; David Alumbagh; Paul Lord; Tina Tam; Mat Snyder; Scott Sanchez; Michael Li; Judy Martin; Mary Woods; Dan Sider; Glenn Cabrerros; Nora Priego, Transcription Secretary; Andrea Green, Acting Commission Secretary

### A. ITEMS PROPOSED FOR CONTINUANCE

1. 2000.1217C (DiBARTOLO: 558-6291)  
1100-1126 POLK STREET (AKA: 1092 POST STREET) - northeast corner of Post and Polk Streets; Lot 12 in Assessor's Block 692 - Request for Conditional Use authorization to allow amplified live and recorded music (defined as "Other Entertainment" by Planning Code Section 790.38) in an existing bar, d.b.a. The Lush Lounge, as required by Planning Code Section 723.48 in the Polk Street Neighborhood Commercial Zoning District and a 130-E Height and Bulk District.  
Preliminary Recommendation: Approval with Conditions  
(Proposed for Continuance to August 23, 2001)-September 13, 2001

SPEAKER(S): None

ACTION: Continued to September 13, 2001

AYES: Baltimore, Chinchilla, Joe, Fay, Salinas, Theoharis

ABSENT: Lim

2. 2001.0522C (SIROIS: 558-6313)  
965 GENEVA AVENUE - south side of Geneva Avenue between London and Paris Streets, Lot 010 Assessor's Block 6409. Request by Metro PCS for Conditional Use authorization to install a wireless telecommunications facility pursuant to Planning Code Section 712.83 which includes the installation of nine panel antennas, one GPS antenna and equipment cabinets at the Apollo Theater which is located in an NC-3 (Moderate-Scale Neighborhood Commercial) District and a 65-A Height and Bulk District. The subject site is a Preference Location 4.

Preliminary Recommendation: Approval with Conditions  
**(Proposed for Continuance to September 6, 2001)**

**SPEAKER(S):** None

**ACTION:** Continued to September 6, 2001

**AYES:** Baltimore, Chinchilla, Joe, Fay, Salinas, Theoharis

**ABSENT:** Lim

3. 2001.0327C (WOODS: 558-6315)  
2038 CLEMENT STREET - north side between 21st and 22nd Avenues, Lot 32 in Assessor's Block 1412 -- Request for Conditional Use authorization under Section 717.39 of the Planning Code to demolish an existing two-story building containing retail on the ground floor and two dwelling units on the second floor and construct a new, four-story building containing three parking spaces on the ground floor and three dwelling units above the ground floor in the Outer Clement Street Neighborhood Commercial District and a 40-X Height and Bulk District.

Preliminary Recommendation: Pending  
**(Proposed for Continuance to September 13, 2001)**

**SPEAKER(S):** None

**ACTION:** Continued to September 13, 2001

**AYES:** Baltimore, Chinchilla, Joe, Fay, Salinas, Theoharis

**ABSENT:** Lim

- 4a. 2001.0584Cv (FU: 558-6613)  
154-174 CAPP STREET - west side between 16<sup>th</sup> and 17<sup>th</sup> Streets, Lot 039 in Assessor's Block 3570 - Request for Conditional Use authorization under Planning Code Section 712.21, and pursuant to Section 121.1 to allow a non-residential use, a sewing shop, occupying more than 6,000 square feet in a NC-3 (Moderate-Scale Neighborhood Commercial) District with a 50-X Height and Bulk designation.

Preliminary Recommendation: Approval with conditions  
(Continued from Regular Meeting of July 26, 2001)

Note: On July 26, 2001, following public testimony, the Commission closed the public hearing and took the following actions:

ACTION No. 1: Motion to continue for 30 days. This motion failed by a vote of +2-4 (Commissioners Baltimore, Fay, Joe and Lim voted No; Commissioner Theoharis was absent).

ACTION No. 2: Motion to approve with the condition that the space be used for a sewing factory only. Any other use would require project to come back to the Planning Commission. This motion failed by a vote of +3-3 (Commissioners Chinchilla, Fay and Salinas voted No; Commissioner Theoharis was absent).

ACTION No. 3: Project Continued to August 9, 2001 to allow absent Commissioner to review and participate. This motion passed by a vote of +6-0.  
**(PROJECT WITHDRAWN)**

**SPEAKER(S):** None

**ACTION:** Project Withdrawn

- 4b. 2001.0548CV (FU: 558-6613)  
154-174 CAPP STREET - west side between 16<sup>th</sup> and 17<sup>th</sup> Streets; Lot 039 in Assessor's Block 3570 in an NC-3 (Moderate Scale Neighborhood Commercial) District with a 50-X Height and Bulk designation. The proposal is to permit the conversion of an industrial building to a non-profit health center, the Native American Health Center, at the second level without providing the required additional parking spaces. Section 151 of the Planning Code requires that one off-street parking space be provided for each 300 square feet of occupied floor area in a NC-3 Zoning District. The Native American Health Center would occupy 9,800 square feet of floor area. Based on the floor area, 33 off-street parking spaces would be required. The existing three-story building has a parking deficiency of 20 spaces, which results in a net increase of 13 required spaces. The applicant proposes no additional parking spaces.

**Note: On July 26, 2001, the Zoning Administrator continued this matter to August 9, 2001.**

(Continued to the next Variance Hearing on August 22, 2001)

**SPEAKER(S):** None

**ACTION:** Continued to Variance Hearing of August 22, 2001 at 1:00 p.m. in Room 408 at City Hall.

**AYES:** Baltimore, Chinchilla, Joe, Fay, Salinas, Theoharis

**ABSENT:** Lim

## B. COMMISSIONERS' QUESTIONS AND MATTERS

### 5. Commission Matters

#### **Commissioner Chinchilla:**

- Last week he received a resolution from Supervisor Leno urging the Planning Commission not to approve housing projects unless they impose 10% or whatever the language was.
- This resolution was based on false information.
- He communicated to the Supervisor and pointed out that the resolution was mistaken and untrue.
- He challenged the supervisor to identify specifically, any conditional use that this Commission or the department had approved a project.
- According to his recollection there has been a trend to go beyond the 10% minimum.
- The department has been very conscientious about how they approve projects.
- If the Supervisor had done his homework, the Supervisor would have realized that the projects where they had not imposed the 10% minimum is because it was not required.

#### **Commissioner Baltimore:**

- Frequently she reads information on the housing needs of the City. The information that is not included is what level or cost range of housing is needed.
- She would like staff to provide information to the Commission broken down by income group in order to know what moderate income was, what low income was, along with the housing that has been produced in the past year.

## C. DIRECTOR'S REPORT

### 6. Director's Announcements

#### *Re: Vacation*

- Glad he is back.
- Thanked Larry Badiner and Dr. Amit Ghosh for serving as Acting Directors while he was on vacation.

*Re: Planning Budget*

- The Commissioners were presented with the budget and the final results of the Board of Supervisors by Dr. Amit Ghosh.

*Re: Commissioner Baltimore's request:*

- He will be scheduling a presentation regarding information on housing needs. At that time he will be discussing Commissioner Chinchilla's request as well.

## 7. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

**BOS***Re: Live/Work Task Force*

- There was a live/work task force that was created by the Board of Supervisors and this report was recently released. The director was a member of this task force and he will be looking at it closely since it was issued while he was on vacation. He will be scheduling a presentation in the near future regarding this task force.

*Re: Housing, Transportation and Land Use Committee*

- The resolution Commissioner Chinchilla brought up was discussed.
- Bicycle storage legislation was adopted and the Commission has recommended it go forward to the full board.
- There are some legal questions regarding the Commission approving cases with less than 10% affordability.
- It is true that we have never approved any project with less than 10% affordability. Actually, the Commission cannot do this.

**BOA - None****D. REGULAR CALENDAR**

8. 2001.0602TZ (ALUMBAUGH: 558-6601/LORD: 558-6311)  
COMMUNITY PLAN AREAS – Consideration of adoption of a resolution establishing community plan areas. Following the expiration of the IPZ Interim Controls on August 5, 2001, community planning for the areas in and around the IPZ Interim Control sections of the City should be conducted. The community planning areas identified in hearings on July 12<sup>th</sup> and July 19<sup>th</sup>, of this year are portions of the City and County of San Francisco where modifications to the existing permanent zoning controls need to be considered. This draft resolution proposes the boundaries for these community plan areas.  
Preliminary Recommendation: Adopt the draft resolution establishing the community plan areas.

**SPEAKER(S):****(+) Stanley Muraoka – Project Manager of the Bay View Hunters Point Project - San Francisco Redevelopment Agency**

- The Redevelopment Agency supports this resolution.
- This project is very appropriate and very timely.
- This project is within the preliminary plan boundaries adopted by the Commission in 1997. The survey area correspond with the boundaries of the Bay View Community Study Area.
- They are going to release to the public a general plan from the Redevelopment Agency.

**(+) James Martin – Economic Development Committee for the Bay View Hunters Point**

- Their organization supports this resolution since it is consistent with the concept plan.
- This is critical to the integrity of the community as a whole.

- While there are other concepts, which will come forward, they request that the Commission approve this since it is critical to the community.

**(+) Joseph Smooke – Housing Director of Bernal Heights Neighborhood Center.**

- His organization has been working with various departments to do a detail study on various parcels.

- He would like to introduce this planning process to the Commission so that their community and the Bay View community can come together and plan some key parcels.

**(+) Ignacio Nunez**

- He was born and raised in Bernal Heights.

- He would like to see rezoning of the Bayshore corridor for multi use instead of just industrial.

- He would like to see more housing for low and medium income as well as artists.

- An industrial zone would create a lot of traffic and a lot of outsiders to the area.

**(+) Buck Bagot – Bernal Heights Neighborhood**

- Mayor Brown attended their community meeting and he complimented their work on the neighborhood.

- Mayor Brown mentioned that there is no place for Home Dept anywhere in San Francisco.

- He has lived in Bernal Heights for 27 years and has seen a lot of his neighbors being priced out of their homes.

- People need to work and live in the Bayshore Corridor.

- He compliments the department for separating Visitation Valley as a specific community plan area.

**(+) Jim Hewitt – Bernal Heights Neighborhood Center**

- When he found out that there were some plans in the works to improve the Bayshore corridor he became involved in this process.

- He went to the first community meeting and it was very exciting; many people attended.

- A lot of the ideas were very exciting.

- He is asking that the Commission include the Bayshore Corridor in the Community Plan Area.

**(+) Penny Clifton – Bernal Heights Neighborhood Center**

- She supports the proposed amendment because of the traffic.

- To make it just industrial would make the area worse.

- If this area would have more retail it would make it a pedestrian area.

**(+) Kingmond Young – Bernal Heights Neighborhood Center**

- He is a resident and a merchant of Bernal Heights.

- The freeway is an eye sore. If an industrial zone is established it would increase the difficulty of living in there.

- He would like a mixed-use designation for the area.

**(+) Mark Lynch – Bernal Heights Neighborhood Center**

- He believes that the Bayshore Boulevard corridor in the Community Plan since it would make this area a better neighborhood.

**(+) Kim Grose – San Francisco Organizing Project**

- They brought 3,000 people to ask state and local officials for better housing.

- They launched a campaign in the churches to promote better and affordable housing.

**(+) Beatriz Rosales – San Francisco Organizing Project**

- She would like the Commission to support the community planning process for the Bayshore Boulevard because more housing is needed in the City.

**(+) Maria Pascuala – San Francisco Organizing Project**

- She is a leader at St. Anthony's Church.

- More housing is needed in San Francisco.

- It is very hard for her to find an affordable place to live.

**(+) Mauricio Vela – Executive Director of the Bernal Heights Community Center**

- Bayshore borders Bernal Heights so they are always impacted of what happens on Bayshore Boulevard.

- They want an opportunity to include this area in the concept plan.

- They just started a planning process.
- Various community leaders are in support of this.
- There is a need for retail in this area.
- They have had little or no opposition to their development, which was presented to various organizations and residents of the area.

**(+) Bella Ramos – Church of the Visitation – San Francisco Organizing Project**

- They support Visitation Valley to be the 5<sup>th</sup> planning area.
- They hope to present a plan to the department in the late fall.
- She is a retired senior who lives with her husband and believes that we need more affordable housing in the area for seniors.

**(+) Fran Martin – Visitation Valley Planning Alliance**

- She would like to thank the Planning Department for making the Bay View Community Plan Area separate from the Visitation Valley Plan Area.
- Visitation Valley has a specific area focus which is well defined. The site is vacant and right for development and MUNI is on its way.
- She has spoken to Supervisor Maxwell about the need for more Planning Department staff, she would like to speak to the Planning Department regarding these issues.

**(+) Oriana Ides – Bernal Heights Neighborhood Center**

- She lives in the Portola District.
- Both the Portola and Bernal Heights Districts will be impacted by this resolution.
- She would like the Commission to allow them to be part of the design process.

**(+) Giulio Sorro – City College**

- She encourages the Commission to approve this resolution.
- She has been working with various residents and merchants in the Potrero Hill area.
- She supports this resolution.

**(+) Doris Vincent**

- She lives in the Bay View Hunters Point area.
- She was elected to protect the Bay View Hunters Point Survey Area.
- The people in her neighborhood would like to see the plan as it is.
- She realizes that there is a need for housing but honor the work that the PAC has done. She hopes that the Commission will not do anything to damage this plan. She wants the Commission to work with PAC.

**(+) Ena Aguirre - PAC**

- She has lived in Bay View Hunters Point for more than 11 years.
- She was elected about 4½ years ago to the PAC.
- She would like to remind people that District 10 and Bay View Hunters Point has a common division which is the freeway.
- They have made sure that the neighbors have been included in their meetings.
- It is important that the Commission works with the PAC.

**(+) Dan Dodd – Bay View Hunter's Point - PAC**

- He has lived in the Bay View District for 22 years.
- He encourages the Commission to adopt the Community plan areas as drafted.

**(+) Julie Milburn**

- She urges the Commission to pass the plan for the Showplace Square Area.
- They are very excited about this.

**(+) Demetria Page – PAC – Project Area Committee**

- She is the supervisor for PAC
- The Bay View Hunters Point Community has been working with the Redevelopment Agency for the past 20 years.

**(+) Michael Hamman - PAC**

- He is a member of the Bay View Hunter's Point PAC
- He lives in the area and works in the area.
- Their community plan envisions the Bay View corridor to be a place where people can get jobs.

- There are a lot of people who support bringing jobs to the community.

**(+) Andrew Junius**

- He is here on behalf of Home Depot.
- There is a proposal for Home Depot at the Goodman Lumber sight.
- If there is a place for Home Depot, he thinks that this is it.
- There will be hundreds of jobs, which Home Depot will be able to provide.
- They have been invited to various community organization meetings to be able to discuss this.
- This site as a city-service resource.
- Any community dialogue should look beyond the Bayshore Corridor and should look at the citywide issues.

**(+) John Daniel**

- He lives in Bernal Heights
- He is concerned about the amount of traffic that goes on Cortland Avenue.
- He would like this area included in the community plan areas.
- There is an opportunity for six acres, which can be included in the community planning process.
- They ask that they be allowed to design a process, which would benefit the community.

**(+) Necolious Hooker**

- He was born and raised in Bernal Heights.
- It is not a good idea to build housing in the area since the freeway emits fumes.

**(+) Mark Tully**

- He has been working with the Bernal Heights Neighborhood Center.
- The planning process has just started. The center doesn't have a set plan since this is just starting.
- There is nothing that has been set in stone.

**ACTION:** Resolution Adopted Establishing the Community Plan Areas.

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

**RESOLUTION:** 16201

9. 2001.0602TZ (ALUMBAUGH: 558-6601/LORD: 558-6311)
- INDUSTRIAL ZONE – POLICIES AND PROCEDURES** – Consideration of adoption of a resolution establishing policies and procedures for the industrially zoned portions of San Francisco. The IPZ Interim Controls expiring on August 5, 2001 have encouraged housing developments in identified mixed-use housing zones and preserved PDR uses in the Industrial Protection Zones. As the interim controls expire, policies and procedures need to be considered by the Planning Commission until such time that permanent Zoning controls can be developed within the community plan areas. Noticed Planning Commission hearings were conducted on draft policy proposals on July 12<sup>th</sup> and July 19<sup>th</sup> of this year.

Preliminary Recommendation: Approve Resolution adopting policies and procedures for the industrially zoned portions of San Francisco.

**SPEAKER(S):**

**(+) Stanley Muraoka – Project Manager for the Bay View Hunters Point Project - San Francisco Redevelopment Agency**

- The agency supports an endorsement of the policies that Dr. Ghosh has proposed.
- They are currently engaged in a very intensive process with the Bay View Hunters Point Community through the project area committee.
- They are wrestling with what should remain in perpetuity as PDR as opposed to where it would be appropriate to provide for affordable housing production and economic development.
- These interim process and controls are very critical.

**(+) Jon Twichell – Bay Area Transportation and Land Use Coalition**

- This is an umbrella group of various land use and transportation groups.

- They want to encourage the Commission to include the current temporary map of housing along third street within the permanent IPZ controls rather than banning housing on third.

**(+) Diane Oshima – Port of San Francisco**

- She is the waterfront Planning Manager for the Port of San Francisco.
- They are in support of the policies that are proposed in terms of maintaining an orderly process and the integrity of the existing industrial areas.
- The industrial transportation access for trucks and freight rail are all integral to making sure that the port's maritime mission can be maintained.
- She applauds this process for establishing these policies.

**(+) Julie Milburn – 7<sup>th</sup> Street Commercial Association/CCAC**

- They have done a lot of work in the lower Potrero Hill and Showplace Square area.
- They need planners who might assist them and realizes that staffing is an issue.
- She knows that there are plans for budgeting of staff.

**(+) Reverend Cordell Hawkins – Bay View Hunters Point Project Team Committee**

- They had a planner that was assigned to Bay View Hunters Point who assisted them regarding various projects.
- They are in desperate need for the department to assign a planner to this area.
- Please don't eliminate housing in this area.

**(+) Jaime Rossi – San Francisco Chamber of Commerce**

- The number one issue right now is housing.
- The plans, which are being drawn up now, are a little bit too restrictive since there is a housing crisis right now.
- He urges to allow the Commission the discretion to look at all these projects and not be so restrictive.

**(-) Jim Meko – SOMA Leadership Council**

- There is a lot of miscommunication about what is going to be accomplished.
- There is no disagreement that everyone wants to be part of the long-term process.
- A lot of the decisions, which the Commission has made, have to be undone.
- Drawing nice maps and writing nice words doesn't have action if nothing is done.

**(-) Jim Chappel – President of SPUR**

- This issue has moved dramatically backwards.
- There are problems in the existing memo since it doesn't really realize the community consensus about housing.
- This memo protects all uses of the PDR area.
- It doesn't let you consider the merits of the housing programs.
- This needs serious amendment.

**(+) Steve Vettel – Morrison and Foerster**

- He has a similar concern as the previous speaker.
- One important thing which needs to be included are to add a definition of PDR of what it is and what it is not.
- It is important if policy is to be written it needs to be written well. Revised language will really go a long way.

**(+) Bill Poland – Bay West Group**

- He has been involved in developing and expanding the showplace square district.
- They own several of the substantial properties.
- It is truly a unique market center that deserves as much respect and recognition.
- He requests that the Commission take a careful look at this unique neighborhood.
- They have a map, which shows the real uses of this area, which he can provide to the Commissioners.
- They are planning to add a substantial amount of rental residential so that employees and showroom owners can live nearby.

**(+) Greg Asay – Office of Supervisor Maxwell**

- He is a legislative aid for Supervisor Maxwell's office.
- On July 9, Supervisor Maxwell introduced legislation that would create interim zoning controls for parcels that adjoin 3<sup>rd</sup> Street south of Islais Creek. The interim zoning would

be until the redevelopment plan is finalized in conjunction with the Bay View Hunters Point Project area.

- They hope to have this legislation to the Board of Supervisors by next month.
- There is clear intent by the Board of Supervisors to encourage neighborhood commercial zoning along Third Street south of Islais Creek, both in support of and supported by the Third Street Light Rail Project.

**(+) Mary Murphy – Farella, Braum and Martel, LLP**

- It is important for the Commission to clarify that this does not in any way obviate or constrain what the Commission has as a conditional use authority in those areas where certain uses can be permitted conditionally but not as a principal use within that authority.
- This language doesn't seem to address the conditional use.

**(+) Quintin Mecke – SOMAD**

- He has a few technical questions regarding the proposed policies and procedures: what does office include? Does office include business services? Does office include information technology? Does office include biotech? Office seems to be too broad.
- Regarding the Showplace Square, he feels that the procedure should not be parcel by parcel.
- He is in support of stricter controls.

**(+) Lawrence Thibeaux – ILWU Local 10**

- There are about 100 members that live or work in the Bay View Hunter's Point area.
- Their main concern is about housing too close to the port.
- He is concerned that people will complain about noise and traffic of the port.
- There is now a small area of the port where there is actual port activities going on.
- They don't have a problem with houses in the Third Street corridor.

**(+) Michael Hamman – PAC**

- He is a resident of the Bay View.
- With all the changes going on in this area, they are witnessing another "Oklahoma land rush".
- He is here to say thank you for keeping this at bay until they have had enough time to put forward their own plan.
- They would like to have mandatory discretionary review until the plan is adopted this fall.
- They would like to have the opportunity to study and comment on all projects in the survey area so they can have an adequate plan.
- They no longer have a planner to work with, so a mandatory discretionary review would be appropriate.

**(+) Dan Dott**

- He is a member of the Bay View Hunter's Point Committee.
- He urges the Commission to extend the discretionary controls immediately to close the window now open by the suspension of the interim controls and adopt the resolution as drafted and to recognize the unfinished business of the PAC and the vision of the residents.

**(+) David Cincotta**

- He is to talk about housing. He has been working on housing for the past 30 years.
- He was really disappointed in the plan that discouraged housing.
- Discouraged housing means not to allow housing. It is not necessary to do this to protect the PDR uses being talked about right now.
- There have always been competing pressures on land uses.
- He is just suggesting that this plan appears to have given up this struggle. This is not the way the Commission has acted in the past.

**(+) Sue Hester**

- She received from Dr. Ghosh the revisions which were not read.
- She feels that it is unfair that this information was not read into the record.
- Things should be balanced and not looked at parcel by parcel.
- This case should be continued since it wasn't read properly into the record before people testified.

**(+) Did not state name**

- She would like to look at each sub area quickly and prioritize some areas and as they come out of community based planning; some areas can be dropped off.

**ACTION:**

**Resolution Adopted with the following amendments:** 1) adding the word protection to paragraph 1 so that it reads, "Industrial Protection Zone"; and 2) the first bullet point on that paragraph reads "discourage the new development of/or conversion of existing uses to office, housing, or live/work."

**AYES:**

Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

**RESOLUTION: 16202**

10.

(TAM: 558-6325)

522-524 CLIPPER STREET - north side between Diamond and Douglass Streets, Lot 9 in Assessor's Block 6545 - Request for Conditional Use authorization under Planning Code Section 121(f) to allow the subject lot to be subdivided into two lots. One of the newly created lots will have a width of 19 feet, which is less than the required 25-foot minimum. The proposal also includes construction of a new four-story, single-family dwelling on the newly created 19-foot wide lot. The property is located in a RH-2 (Residential, House, Two-Family) District and 40-X Height and Bulk District.

Preliminary Recommendation: Disapproval

(Continued from Regular Meeting of July 26, 2001)

**Note: On July 26, 2001, following public testimony, the Commission closed public hearing and continued the case to August 9, 2001 to allow the project architect to submit revised architectural drawings and to have a representative from the Building Department attend the hearing. The Vote was +6 -0. Commissioner Theoharis was absent.**

**SPEAKER(S):**

*Re: Continuances:*

**(-) Did not state name**

- He and a few neighbors never received notices for the meeting of July 26, 2001.
- He would like for the Commission to reopen public comment.

**ACTION: Continued to August 23, 2001****AYES: Baltimore, Chinchilla, Fay, Joe, Salinas, Theoharis****ABSENT: Lim**

11.

(M.SNYDER: 575-6891)

52 SHERIDAN STREET - north side between 9th and 10th Streets, Lot 34 in Assessor's Block 3519 -- Request for Conditional Use authorization under Planning Code Section 816.13 to demolish an existing single family house. The project would also include the construction of a new 50-foot tall, 75-foot deep building that would contain four dwelling units and one commercial unit. The property is within an SLR (Service/Light Industrial/Residential Mixed Use) District, a 50-X Height and Bulk District, and a Mixed-Use Housing Zone (as designated in Planning Commission Resolution 14861).

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of August 2, 2001)

**SPEAKER(S):****(+) David Silverman – Reuben and Alter**

- The building to be demolished was built in 1906 and it has been vacant for over a year.
- The project block contains a variety of mixed uses.
- The project has been reduced to four units.
- He has met with the neighbors and has discussed their issues; therefore, there is no opposition to this project.

**(+) Toby Levy – Project Architect**

- The project was meant to fit with the architecture of the other buildings and respect the urban design guidelines.
- By having the parking enter through the back part, she was able to have a small retail use on the front.
- She has designed bay windows to make it more residential.

ACTION:      **Project Approved with the following conditions: for architect to continue to work with staff to improve the appearance of the side walls.**

AYES:      **Baltimore, Fay, Joe, Lim, Salinas, Theoharis**

NAYES:      **Chinchilla**

MOTION:      **16203**

12.      2000.1104C      (M. SNYDER: 575-6891)  
488 BRYANT STREET - north side between 2nd and 3rd Street, Lot 18 in Assessor's Block 3763. Request for Conditional Use authorization under Planning Code Section 817.73 and 227(h) to install three panel antennas on the building rooftop and related backup equipment within the building in an SLI (Service Light Industrial Mixed-Use) District and a 40-X Height and Bulk District. This is a Preference Location 4.  
Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of July 26, 2001)

SPEAKER(S): **None**

ACTION:      **Continued to August 16, 2001**

AYES:      **Baltimore, Chinchilla, Fay, Joe, Salinas, Theoharis**

ABSENT:      **Lim**

13.      2000.1141C      (SANCHEZ: 558-6679)  
2346-2348 CLEMENT STREET - north side between 24<sup>th</sup> and 25<sup>th</sup> Avenues; Lot 025 in Assessor's Block 1409 - Request for Conditional Use authorization under Planning Code Section 717.39 to allow the demolition of an existing mixed-use building with a residential unit at the second floor and under Planning Code Section 161(j) to allow the construction of a four-story mixed-use building (four residential units and one commercial unit) without the four required residential parking spaces, within the Outer Clement Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District.  
Preliminary Recommendation: Approval with Conditions.  
(Continued from Regular Meeting of July 19, 2001)

SPEAKER(S): **None**

ACTION:      **Continued to September 20, 2001**

AYES:      **Baltimore, Chinchilla, Fay, Joe, Salinas, Theoharis**

ABSENT:      **Lim**

- 14a.      2001.0202CV      (LI: 558-6396)  
136-142 TAYLOR STREET - east side between Eddy and Turk Streets; Lot 014 in Assessor's Block 0340 -- Request for Conditional Use authorization to reduce the off-street parking requirement for a six-unit residential building within an RC-4 (Residential-Commercial Combined, High Density) District, the North of Market Residential Special Use District, and an 80-120-T Height and Bulk District.  
Preliminary Recommendation: Approval with conditions  
(Continued from Regular Meeting of August 2, 2001)

**SPEAKER(S):**

**(+) John Dugan**

- The proposed building has been vacant for over 15 years.
- They would like to construct six units of housing.

**(+) Did not state name – Project Architect**

- The reason for asking for conditional use and not providing parking spaces is financially impossible. The location of the property is just one block away from Market Street.
- To allow parking would sacrifice the retail space on the ground floor.

**ACTION: Project Approved****AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis****MOTION: 16204****14b. 2001.0202CY**

(LI: 558-6396)

136-142 TAYLOR STREET - east side between Eddy and Turk Streets; Lot 014 in Assessor's Block 0340 -- Rear yard, usable open space, and dwelling unit exposure variances sought. The proposal is to convert a vacant commercial building to a mixed-use building containing six dwelling units above ground-floor retail space within an RC-4 (Residential-Commercial Combined, High Density) District, the North of Market Residential Special Use District, and an 80-120-T Height and Bulk District. There will be no physical expansion of the existing building. The Planning Code requires the provision of a rear yard (Section 134), usable open space (Section 135), and dwelling unit exposure (Section 140). The project will not provide a rear yard or usable open space, and three of the dwelling units would not have the required exposure. The application for variance will be considered by the Zoning Administrator.

(Continued from Regular Meeting of August 2, 2001)

**SPEAKER(S): None****ACTION: The Zoning Administrator Granted Variance subject to the following condition: no general advertising.****15a. 2001.0674CD**

(MARTIN: 558-6616)

419 - 14th STREET - south side, between Valencia and Guerrero Streets; Lot 31 in Assessor's Block 3546 -- Request for Conditional Use Authorization to: (1) allow a third dwelling unit to be located on the second floor of an existing three-story building with commercial on the ground floor and two legal dwelling units on the third floor, without the required off-street parking space for the new dwelling unit, per Section 161(j) of the Planning Code; and to: (2) allow a market-rate dwelling unit per the Mission District Interim Controls, within the Valencia Neighborhood Commercial District, a 50-X Height and Bulk District and the Mission Alcoholic Beverage Special Use Subdistrict.

Preliminary recommendation: Approve with Conditions.

**SPEAKER(S):****(+) David Silverman – Reuben and Alter**

- The project sponsor seeks to undertake seismic safety work, repair water damage, install smoke detectors, and do other interior work.
- All of the planning code requirements are met except for the parking requirement.
- The project site is well served by public transportation.
- If the conditional use is not approved, the property would have to go back to commercial use.
- If the project is approved it would contribute to the City's housing supply.

**ACTION: Approved****AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis****MOTION: 16205****15b. 2001.0674CD**

(MARTIN: 558-6616)

419 - 14th STREET - south side, between Valencia and Guerrero Streets; Lot 31 in Assessor's Block 3546 -- Mandatory Discretionary Review for a change of use to a legal dwelling unit on the second floor of an existing three-story building with commercial on the ground floor and two legal dwelling units on the third floor, pursuant to the Mission

District Interim Controls, within the Valencia Neighborhood Commercial District, a 50-X Height and Bulk District and the Mission Alcoholic Beverage Special Use Subdistrict.  
Preliminary recommendation: Do not take Discretionary Review and approve the project.

SPEAKER(S): **None**

ACTION: **Do not take Discretionary Review**

AYES: **Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis**

#### E. DISCRETIONARY REVIEW HEARING

At Approximately **5:45 PM** the Planning Commission convened into a Discretionary Review (DR) Hearing.

16. **2001.0497DD** (WOODS: 558-6315)  
2408-10 UNION STREET - north side between Scott and Pierce Streets, Lot 7 in Assessor's Block 536 - Requests for Discretionary Review of Building Permit Application No. 2001/0122/0297 to add an additional story and a horizontal addition at the rear of an existing three-story, two-unit building located within an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project as revised by the project sponsor.

SPEAKER(S):

*Re: Continuance*

**Steve Williams – Representing one of the Project Sponsors**

- Notices had not been sent to him or to the Project Sponsors.

**Susan Michael – Project Architect**

- There was adequate notice for this project.

- If the hearing time changes it could be a problem.

**Mr. Jonash**

- He also submitted a DR and no one is consulting him if it would be okay to continue or not.

- He would be willing to have the case continued.

ACTION: **Continued to August 23, 2001**

AYES: **Baltimore, Chinchilla, Fay, Joe, Lim, Theoharis**

NAYES: **Salinas**

17. **2000.0194D** (SIDER: 558-6697)  
2121 EVANS AVENUE – Mandatory Discretionary Review of Building Permit Application Nos. 2000.07.20.4210 and 2000.07.20.4204 (demo permits) and 2000.06.26.3720S (alteration permit) for the property at 2121 Evans Avenue, west side, between Cesar Chavez and Napoleon Streets, Assessor's Block 4343, Lot 001B, proposing to demolish three existing industrial sheds totaling about 6,724 gross square feet and replace them with an additional 88,653 gross square feet of space containing approximately 82,985 gross square-feet of industrial use and 1,746 gross square feet of retail use, pursuant to Planning Commission Resolution 14861. The subject property is within an M-2 (Heavy Industrial) District, a 65-J Height and Bulk District, and the Industrial Protection Zone.  
Preliminary Recommendation: Do not take discretionary review and approve the project as proposed.

SPEAKER(S):

*Re: Continuance*

**Stanley Muraoka – San Francisco Redevelopment Agency**

- He is here before the Commission to make a request by the Bay View Hunter's Point Area Committee.

- They request that the development project be presented to them so they can become fully aware of what the proposal is.

ACTION: **Continued to August 23, 2001**

AYES: **Baltimore, Chinchilla, Fay, Joe, Salinas, Theoharis**

18. 2000.0933D (CABREROS: 558-6169)  
517 HICKORY STREET – south side between Buchanan and Webster Streets, Lot 013A in Assessor's Block 0829. Request for Discretionary Review of Building Permit Application No. 2000/05/18/0428 proposing to construct a one-story vertical addition to an existing three-story, single-family dwelling in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve project as proposed.

**SPEAKER(S):**

**(-) Jeff Ma – DR Requestor**

- The proposed construction would block sunlight to his home and would affect his privacy.
- There is a problem with illegal parkers on this block.
- Another problem he has is allowing an eight bedroom house on such a small street and having two car parking.
- The property line balconies would inhibit his option of ever doing the same thing.
- There have been 13 neighbors who have gone through the mediation process thought community boards and have been opposed to this project.
- This project is basically taking away light, privacy and adding congestion to the street.

**(-) Clark Hack**

- There will be loss of light and loss of privacy.
- This structure will be totally out of scale with the rest of the neighborhood.

**(-) Brian Berger**

- This project is taking advantage of the rest of the street.
- He read an e-mail from neighbors who are opposed to the project.

**(-) Gary Hackery**

- He would like to be a good neighbor but this property will be overwhelming the whole neighborhood.
- He paid a lot of money to be allowed parking.
- If there will be an office there, it will cause problems with parking.

**(-) Patricia Miller**

- She has lived on this street for seven years.
- The street is very narrow and most of the homes are Victorian.
- The restricted parking is a real security issue for the neighbors.
- She is concerned about the precedent this project would create.
- There will be a sunlight impact on the neighbors.

**(+) Stuart Hills – Project Architect**

- They have taken many steps to minimize the impact the project would have.
- They have proposed changes to the plan and have presented this to the DR applicant.
- These changes include: cutting the eaves back to 14 inches on the side facing the DR application; addition of translucent panels on the property line balconies, this would allow the light to come through but would allow privacy; reglaze the skylight with a protective privacy glass; lowering the two projections closest to their property line to 5 foot 9 inches.

**(+) Martin Bars**

- He has five more signatures to supporting his project.
- He is not asking for another parking space.
- A few years ago when they initially planned to do the construction, many of his neighbors did not appear to be interested in the project.
- He is very willing to deal with the issues that his neighbors have.

ACTION: Do not take Discretionary Review with amendments: cutting the eaves back to 14 inches on the side facing the DR application; addition of translucent panels on the property line balconies, this would allow the light to come through but would allow privacy; reglaze the skylight with a protective privacy glass; lowering the two projections closest to their property line to 5 foot 9 inches.

AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas  
NAYES: Theoharis

19. 2001.0509D (CABREROS: 558-6169)  
3016 PIERCE STREET – east side between Greenwich and Filbert Streets, Lot 019 in Assessor's Block 0514. Staff-initiated request for Discretionary Review of Building Permit Application No. 2001/04/02/5739, proposing to merge an existing two-unit building into a single-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and Disapprove the application.

SPEAKER(S):

*Re: Continuance*

**David Cincotta**

- He was recently hired for this project and would like time to look at an architectural solution.

ACTION: Continued to September 27, 2001

AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

## F. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

**Jeff Ma**

*Re: tickets*

- Recently the Board of Supervisors and the Department of Parking and Traffic are increasing tickets in order to deal with driving blocking issues.  
- This has forced property owners to waking up at 7:00 a.m. when garbage trucks are honking because they can't get through or they will just not pick up the trash.  
- Projects are being approved for development, extra rooms and bedrooms on streets that really can't support it.

**Did not state name**

*Re: 52 Sheridan Street*

- She lives right up against the project on this street. Her windows will be blocked and she would like to know if there is something that she can do to stop this.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment: 6:20 p.m.

**THE DRAFT MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, SEPTEMBER 20, 2001.**

**ACTION:**      **Approved**  
**AYES:**        **Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis**

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16/01

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, August 16, 2001

DOCUMENTS DEPT.

1:30 PM

NOV 16 2001

Regular Meeting

SAN FRANCISCO  
PUBLIC LIBRARY

**PRESENT:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas  
**ABSENT:** Theoharis

THE MEETING WAS CALLED TO ORDER BY VICE PRESIDENT FAY AT 1:37 p.m.

**STAFF IN ATTENDANCE:** Gerald G. Green, Director of Planning; Larry Badiner, Zoning Administrator; Vahram Massehian; Adam Light; Matt Snyder; Michael Smith; Mary Woods; Glenn Cabreros; Allison Borden; Nora Priego, Transcription Secretary; Andrea Green, Acting Commission Secretary

### A. ITEMS PROPOSED FOR CONTINUANCE

1. 2001.0604C (WOLOSHYN: 558-6612)  
3928 GEARY BOULEVARD - north side between Third and Fourth Avenues and Divisadero Streets, Lot 016 in Assessor's Block 1435 - Request for Conditional Use Authorization under Planning Code Section 712.61 to operate an automobile rental establishment within an NC-3 (Moderate-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District. The proposal is to convert an existing automobile repair establishment (Harry's Auto Repair) to an automobile rental establishment (Hertz). The proposed automobile rental facility will operate within the current footprint of the building. Minor internal changes are proposed as part of the conversion.  
Preliminary Recommendation: Approval with Conditions  
(Proposed for Continuance to August 23, 2001)

**SPEAKER(S):** None

**ACTION:** Continued to August 23, 2001

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas

**ABSENT:** Theoharis

- 2a. 1997.0478ZMRK (LI: 558-6396)  
525 GOLDEN GATE AVENUE - southwest corner at Polk Street; Lot 001 in Assessor's Block 0766 - Request for reclassification of Lot 001 in Assessor's Block 0766 from a P (Public) District and a 130-E Height and Bulk District to a P (Public) District and a 200-L Height and Bulk District. The proposal is to amend the official zoning maps of the City and County of San Francisco to change the height and bulk district classification of Lot 001 in Assessor's Block 0766 from 130-E to 200-L to accommodate a proposed 14-story, 181-foot-high City Administrative Office Building. The use district classification of the subject property will remain the same.  
Preliminary Recommendation: Approval  
**(Proposed for Continuance to August 23, 2001)**

**SPEAKER(S): None**

**ACTION: Continued to August 23, 2001**

**AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas**

**ABSENT: Theoharis**

- 2b. 1997.478ZMRK (LI: 558-6396)  
525 GOLDEN GATE AVENUE - southwest corner at Polk Street; Lot 001 in Assessor's Block 0766 - Request to amend Maps 4 and 5 of the Urban Design Element of the General Plan in connection with a proposed 14-story, 181-foot-high City Administrative Office Building. The proposal is to amend Map 4 (Urban Design Guidelines for Height of Buildings) to show the height designation of Lot 001 in Assessor's Block 0766 as 161-240 feet. The current height designation is 89-160 feet. The proposal is to amend Map 5 (Urban Design Guidelines for Bulk of Buildings) to show the bulk designation of Lot 001 in Assessor's Block 0766 as follows: the guidelines shall apply above a height of 150 feet with a maximum plan dimension of 250 feet and a maximum diagonal dimension of 300 feet. The current bulk designation is as follows: the guidelines apply above a height of 80 feet with a maximum plan dimension of 110 feet and a maximum diagonal dimension of 125 feet.  
Preliminary Recommendation: Approval  
**(Proposed for Continuance to August 23, 2001)**

**SPEAKER(S): None**

**ACTION: Continued to August 23, 2001**

**AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas**

**ABSENT: Theoharis**

- 2c. 1997.478ZMRK (LI: 558-6396)  
525 GOLDEN GATE AVENUE - southwest corner at Polk Street; Lot 001 in Assessor's Block 0766 - Request for a General Plan Referral to determine if the construction of a proposed 14-story, 181-foot-high City Administrative Office Building is consistent with the objectives and policies of the General Plan.  
Preliminary Recommendation: Determination that the project is consistent with the objectives and policies of the General Plan  
**(Proposed for Continuance to August 23, 2001)**

**SPEAKER(S): None**

**ACTION: Continued to August 23, 2001**

**AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas**

**ABSENT: Theoharis**

- 2d. 1997.478ZMRK (LI: 558-6396)  
525 GOLDEN GATE AVENUE - southwest corner at Polk Street; Lot 001 in Assessor's Block 0766 - Request for a determination of the shadow impact significance on Civic

Center Plaza from the construction of a proposed 14-story, 181-foot-high City Administrative Office Building.

Preliminary Recommendation: Determination of no significant shadow impact  
**(Proposed for Continuance to August 23, 2001)**

**SPEAKER(S):** None

**ACTION:** Continued to August 23, 2001

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas

**ABSENT:** Theoharis

3. 2000.1165B (BRESSANUTTI: 558-6892)

2 HENRY ADAMS STREET - west side between Division Street and Alameda Street; Lot 1 in Assessor's Block 3910 - Request under Planning Code Sections 320-322 for project authorization of an office development consisting of the conversion of up to 49,900 square feet in an existing building (San Francisco Design Center) from wholesale design showroom space to office space. This notice shall also set forth an initial determination of the net addition of gross square feet of office space, pursuant to Planning Code Section 313.4. The subject property is located in an M-2 (Heavy Industrial) District and the Industrial Protection Zone, and a 40-X Height and Bulk District.

Preliminary Recommendation: Pending

(Continued from Regular Meeting of July 19, 2001)

**(Proposed for Continuance to August 23, 2001)**

**SPEAKER(S):** None

**ACTION:** Project Withdrawn

- 4a. 2000.961EZC (TURRELL: 558-5994)

1101 O'FARRELL STREET - Appeal of a Preliminary Negative Declaration. Assessor's Block 713, Lot 33, and Block 720, Lots 28, 35, 36, and 38. The proposed project involves demolition of the existing 15,000-square-foot, three-story Urban Life Center building, which contains social service and office uses, and construction of a 297,000-square-foot, 240-foot-tall structure with 240 units of senior housing. Approximately 86 on-site below-ground parking spaces would be provided. The project also involves the seismic upgrade of St. Mark's Lutheran Church and relocation of about 5,000 square feet of social services space from the Urban Life Center building to the adjacent Martin Luther Tower. The 80,400-square-foot site is located in an RM-4 (Residential, Mixed: High Density) Zoning District within the Western Addition neighborhood. Lots 28, 35, and 36 of Block 720 are within an 80-B Height and Bulk District; the remainder of the site is within a 240-E Height and Bulk District. The project would require approval of a lot subdivision and merger, a height reclassification, and Conditional Use authorization for a Planned Unit Development. The project would also require a Certificate of Appropriateness for seismic upgrade of St. Mark's Lutheran Church, City Landmark No. 41.

Preliminary Recommendation: Uphold Negative Declaration

(Continued from Regular Meeting of July 12, 2001)

**(Proposed for Continuance to September 6, 2001)**

**SPEAKER(S):** None

**ACTION:** Continued to September 6, 2001

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas

**ABSENT:** Theoharis

- 4b. 2000.961EZC (WOODS: 558-6315)

1101 O'FARRELL STREET (A.K.A. STARR KING WAY) - southwest corner of O'Farrell and Franklin Streets, Lot 33 in Assessor's Block 713 and Lots 35 and 36 in Assessor's Block 720 - Request to reclassify the existing Height and Bulk Districts of Lots 35 and 36 from 80-B to 240-G; and reclassify the existing Bulk District of Lot 33 from 240-E to 240-G

in an RM-4 (Residential, Mixed, High Density) Zoning District. The existing Zoning District would not change. The reclassification is being sought to allow the development of a 240-unit senior housing facility (St. Mark's Square).

Preliminary Recommendation: Pending

(Continued from Regular Meeting of July 12, 2001)

**(Proposed for Continuance to September 6, 2001)**

**SPEAKER(S): None**

**ACTION: Continued to September 6, 2001**

**AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas**

**ABSENT: Theoharis**

4c. 2000.961EZC (WOODS: 558-6315)

1101 O'FARRELL STREET (A.K.A. STARR KING WAY) - southwest corner of O'Farrell and Franklin Streets, Lot 33 in Assessor's Block 713, and Lots 35 and 36 in Assessor's Block 720 - Request for Conditional Use Authorization under Sections 253, 303 and 304 of the Planning Code to permit a Planned Unit Development for the construction of a 23 story, 240 foot tall, 240-unit senior housing facility in an RM-4 (Residential, Mixed, High Density) Zoning District and a 240-G Height and Bulk District.

Preliminary Recommendation: Pending

(Continued from Regular Meeting of July 12, 2001)

**(Proposed for Continuance to September 6, 2001)**

**SPEAKER(S): None**

**ACTION: Continued to September 6, 2001**

**AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas**

**ABSENT: Theoharis**

5. 2001.0552C (SIROIS: 558-6313)

4610 MISSION STREET - north side of Mission Street, between San Juan Avenue and Norton Street, Lot 003 Assessor's Block 3206 - Request for Conditional Use Authorization to install a wireless telecommunications facility pursuant to Planning Code Section 712.83, which includes the installation of eight panel antennas, one GPS antenna and associated equipment cabinets in an NC-3 (Moderate-Scale Neighborhood Commercial) District and a 65-A Height and Bulk District. The subject site is a Preference Location 4.

Preliminary Recommendation: Pending

**(Proposed for Continuance to September 6, 2001) September 13, 2001**

**SPEAKER(S): None**

**ACTION: Continued to September 13, 2001**

**AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas**

**ABSENT: Theoharis**

6. 2000.0173C (LIGHT: 558-6254)

500 FRANCISCO STREET (A.K.A. 401-499 BAY STREET & 501-599 BAY STREET) - north side of Francisco Street between Mason Street and Columbus Avenue; Lot 1 in both Assessor's Blocks 42 and 43 - Request for a Conditional Use Authorization of a planned unit development to demolish an existing 229-unit public housing complex (North Beach Housing Project) and replace it with a mixed use development that would include approximately 360 affordable housing units, about 48 of which would be senior housing units; a child care center for up to 38 children; a computer learning center; ground floor retail uses; incubator office space for businesses operated by project residents and community-serving businesses; and approximately 330 below grade parking spaces. The proposed project would include about 338,000 square feet of residential space, about 4,000 square feet for the child care center, about 8,000 square feet for the

computer learning center and other community space, and approximately 20,000 square feet of commercial space, in an RM-3 (Residential, Mixed, Medium Density) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Hearing of July 19, 2001)

(Proposed for Continuance to September 13, 2001)

**SPEAKER(S):** None

**ACTION:** Continued to September 13, 2001

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas

**ABSENT:** Theoharis

7. 2001.0502C (SANCHEZ: 558-667)

4715-4723 GEARY BOULEVARD - southside between 11<sup>th</sup> and 12<sup>th</sup> Avenues; Lot 044 in Assessor's Block 1533 - Request for Conditional Use authorization pursuant to Section 712.83 of the Planning Code to install a total of six antennas and related equipment on the rooftop and an equipment shelter on the ground level of an existing six story, mixed-use (residential above commercial) building, as part of Metro PCS's wireless telecommunications network within an NC-3 (Moderate-Scale Neighborhood Commercial) District and 40-X Height and Bulk District. As per the City & County of San Francisco's Wireless Transmission Services (WTS) Facilities Siting Guidelines the proposal is a Location Preference 5 (Mixed-Use Building in High Density Districts).

Preliminary Recommendation: Pending

(Proposed for Continuance to October 4, 2001)

**SPEAKER(S):** None

**ACTION:** Continued to October 4, 2001

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas

**ABSENT:** Theoharis

8. 2001.0254D (CABREROS: 558-6169)

3040 STEINER STREET - east side between Filbert and Union Streets, Lot 050 in Assessor's Block 0534 - Request for Discretionary Review of Building Permit Application No. 9913355S, proposing to construct a one-story penthouse measuring approximately 10x15 feet (150 square feet) on top of the flat roof of the existing two-unit building, with access to a new 300 square-foot roof deck to contain a spa in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

(Proposed for Continuance to October 11, 2001)

**SPEAKER(S):** None

**ACTION:** Continued to October 11, 2001

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas

**ABSENT:** Theoharis

## B. COMMISSIONERS' QUESTIONS AND MATTERS

9. Consideration of Adoption - draft minutes of June 14 and June 28, 2001.

**SPEAKER(S):** None

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas

**ABSENT:** Theoharis

## 10. Commission Matters

### **Commissioner Baltimore:**

#### *Re: Bay View*

She would like to request that staff invite members of the PAC of Bay View Hunters Point and the Redevelopment Agency.

*Director Green will schedule this item under the Director's Report on September 6, 2001.*

### **Commissioner Chinchilla:**

#### *Re: Transportation and Land Use Committee Meeting*

He was able to view the committee's last meeting and was upset to see that an unnamed Supervisor criticized an unnamed Planning Commissioner for the Planning Commissioner honoring his oath of office and requiring the City to enforce the affordable housing policy as written. He is glad that there are rules and regulations in order to avoid arbitrating capricious actions on the part of governmental agencies and wayward and misguided legislators.

### **Commissioner Salinas**

#### *Re: Continuances*

He is opposed to the kind of continuances which are happening at the Planning Commission Hearings since this is causing a "domino affect" on the remainder of the hearings scheduled.

## C. DIRECTOR'S REPORT

### 11. Director's Announcements

#### *Re: Continuances*

- He realizes the frustration everyone is having regarding continuances.
- Many times the request for a continuance is because the case might be close to being settled. This would justify the continuance.

#### *Re: Special Use District – Industrial Protection Zone for the Bay View Hunter's Point*

- Because of the fact that Mr. Maltzer had to be hospitalized, this item will be continued to September 6, 2001 and not on August 23, 2001 as it had been originally scheduled.

#### *Re: Commissioner Baltimore's Request*

- The PAC of the Bay View Hunter's Point area will be scheduled on September 6, 2001.

#### *Re: De Young Museum*

- On Monday, August 20, 2001, Paul Maltzer and he will be attending the Board of Supervisors meeting to respond to an appeal of an action the Commission took regarding certifying the environmental impact report on the new De Young Museum. The Board of Supervisors will determine if this document is accurate. Unfortunately, the document is inaccurate since some of the data which the department received was flawed. This caused the report to be inaccurate in regards to the shadow analysis report. The consultants did not do the proper investigation. The director will request that the document be remanded back to the Planning Commission and a hearing can be held on an updated and accurate document.

#### *Re: Neighborhoods Program*

- They have been working with neighborhoods and neighborhood representatives.
- There will be 3 workshops for Balboa Park which will be on September 5, 2001; September 8, 2001; September 19, 2001.
- There are mailers which are being sent today.
- A public workshop on September 25, 2001 will be held regarding the Waterfront.

- They are working on a workshop in early October for the Market and Octavia workshops.
12. Review of Past Week's Events at the Board of Supervisors and Board of Appeals  
BOS - **None**

BOA - **None**

**D. REGULAR CALENDAR**

13. 2001.0558C (MASSEHIAN: 558-6363)  
225 CLEMENT STREET - south side between 3rd and 4th Avenues, Lot 41 in Assessor's Block 1435 - Request for Conditional Use Authorization under Section 186.1(c)(3)(A) of the Planning Code to convert a non-conforming Large Fast Food Restaurant (London Fish and Chips) to a Full-Service Restaurant (Q Restaurant) in the Inner Clement NCD (Neighborhood Commercial District) and a 40-X Height and Bulk District. The new use shall be classified as a non-conforming use.  
Preliminary Recommendation: Approval with conditions
- SPEAKER(S):  
**(+) Steve Vettel**  
- If this authorization is not approved, this project will revert to a fast food service restaurant.
- (+) Erwin Phillips – President of the Clement Street Merchants**  
- He hopes that this item is approved since they would like to have the full service restaurant.
- ACTION: **Approved**  
AYES: **Baltimore, Chinchilla, Fay, Joe, Lim, Salinas**  
ABSENT: **Theoharis**  
MOTION: **16206**
14. 2000.1140X (LIGHT: 558-6254)  
1 POWELL STREET - west side between Eddy and Ellis Streets, Lot 5 in Assessor's Block 330 - Request under Planning Code Section 309 (Downtown Code) for Determination of Compliance to make minor modifications to the ground floor entrance and windows of the subject property to accommodate a retail store, and to seismically retrofit the existing 138-foot tall, seven-story over basement building containing a ground level retail banking office with office uses on the upper floors. The seismic retrofitting will be accomplished by infilling a large light well on the north side of the property with a structural system that will provide proper seismic reinforcement for the building. No Exceptions under Section 309 of the Planning Code are requested by the proposed project. The project is in a C-3-R (Downtown, Retail) zoning district, a 110-X height and bulk district, and in the Kearny-Market-Mason-Sutter Conservation District. The building is rated as a Category I building under the Downtown Plan.  
Preliminary Recommendation: Approval with Conditions
- SPEAKER(S): **None**  
ACTION: **Continued Without Hearing to August 23, 2001**  
AYES: **Baltimore, Chinchilla, Fay, Joe, Lim, Salinas**  
ABSENT: **Theoharis**
15. 2000.1104C (M. SNYDER: 575-6891)  
488 BRYANT STREET - north side between 2nd and 3rd Street, Lot 18 in Assessor's Block 3763 - Request for Conditional Use authorization under Planning Code Section 817.73 and 227(h) to install three panel antennas on the building rooftop and related

backup equipment within the building in an SLI (Service Light Industrial Mixed-Use) District and a 40-X Height and Bulk District. This is a Preference Location 4.  
Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of August 9, 2001)

SPEAKER(S): **None**

ACTION: **Continued Without Hearing to August 23, 2001**

AYES: **Baltimore, Chinchilla, Fay, Joe, Lim, Salinas**

NAYES: **Salinas**

ABSENT: **Theoharis**

16. 2001.0503C (M.SNYDER: 575-6891)

434-450 HARRISON STREET - A.K.A. THE SAILOR'S UNION OF THE PACIFIC - northeast corner of Harrison and 1st Streets, Lot 12 in Assessor's Block 3748 - Request for Conditional Use authorization under Planning Code Section 209.6(b) to allow three sectors of antennas (three in each sector for a total of nine antennas) flush mounted on the top of the building's south, east and west walls, and a base transceiver station on the property, in an RC-4 (Residential -Commercial Combined, High Density) District, the Rincon Hill Special Use District (Residential Subdistrict), and a 250-R Height and Bulk District. The installation of the antennas and related equipment would be part of a wireless transmission network operated by Metro PCS. This is a preference Location 2, a co-location site, a site on which legal wireless telecommunication facilities are currently located.

Recommendation: Approval with Conditions

SPEAKER(S):

**(+) Debra Stein**

- She is available to answer any questions Commissioners may have.

**(+) Bill Leonard**

- He is also available to answer any questions.

ACTION: **Approved**

AYES: **Baltimore, Chinchilla, Fay, Joe, Lim**

NAYES: **Salinas**

ABSENT: **Theoharis**

MOTION: **16207**

17. 2000.581C (SMITH: 558-6322)

455 & 457 BUENA VISTA AVENUE EAST - east side of the street between Upper Terrace and Park Hill Avenue, Lot 270 (formerly Lots 059 & 060) in Assessor's Block 2607- Request for Conditional Use Authorization for dwelling unit density at a density ratio of one dwelling unit per 1,000 square feet of lot area per Planning Code Section 209.1(h) to construct one four unit building in a RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

**(+) William Walters - Project Architect**

- The amount stated on the report is not a combination of land value and structure value. The amount is for structure only.  
- There were a few neighborhood meetings and the issues brought up at these meetings were dealt with already.  
- The current issue deals with density only.

ACTION: **Continued to September 13, 2001 in order to request the attendance of a DBI representative and the engineer who prepared the demolition report.**

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas  
**ABSENT:** Theoharis

**E. DISCRETIONARY REVIEW HEARING**

At Approximately 3:00 PM the Planning Commission convened into a Discretionary Review (DR) Hearing to hear and act on Discretionary Review matters.

18. 2001.0665D (WOODS: 558-6315)  
830 LAKE STREET - north side between 9th and 10th Avenues, Lot 11 in Assessor's Block 1349 - Staff-initiated request for Discretionary Review of Building Permit Application No. 2001/03/19/4652S, proposing to merge two dwelling units in a six-unit building resulting in a five-unit building in an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the application as submitted.

**SPEAKER(S):**

(+) David Cincotta – Representing Project Sponsor

- Thanked the planner, Mary Woods, for her hard work.
  - The proposal is to create a large enough condominium unit for an entire family to live in.
  - There is a single family in both units.
  - This is a unique situation and there is no displacement.
  - The family is trying to stay together and not have to move.

(+) Ken Gladstein – Project Sponsor

- (7) Ron Graustein - Project Sponsor

  - They are all here in order to be allowed to join the two units and be able to keep the family together.
  - His wife has owned the two condominium units for 15 years.
  - They are currently a family who is growing.
  - This would also provide additional living and sleeping space.
  - They are not doing this at the expense of anyone.
  - If this project is not approved, they would have to move and this would not be financially possible for them.

(±) Linda Cuenco

- She is here as a mother and trying to urge the Commission to allow them to join these units.
  - These units have been home for them for more than 15 years.
  - There should be homes for families in this City.
  - She hopes that the Commission will approve the project.

**ACTION:** Do not take DB and approve project as submitted

ACTION: Do not take B/R and approve proj.  
AVES: Baltimore, Fay, Joe, Jim, Salinas

**ATES:  
NAMES:**

NAYES. *Chionanthus*  
ABSENT: *Theobaris*

19. 2001.0123D (CABREROS: 558-6169)  
2252 BEACH STREET - north side between Baker and Broderick Streets, Lot 009C in Assessor's Block 0915 - Request for Discretionary Review of Building Permit Application No. 2000/10/20/3640 proposing to add a full third story (approximately 2,000 square feet), a three-story rear addition extending to the required rear yard line, and a one-story extension with deck above projecting into the rear yard as a permitted obstruction to an existing one-story over garage, single-family residence in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the plans as submitted.

SPEAKER(S): None

ACTION: **Continued Without Hearing to September 6, 2001**  
AYES: **Baltimore, Chinchilla, Fay, Joe, Lim, Salinas**  
ABSENT: **Theoharis**

20. 2001.1183DDD (BORDEN: 558-6321)  
1725 LAKE STREET - south side between 18th and 19th Avenues, Lot 035 in Assessor's Block 1378 - Requests for Discretionary Review of Building Permit Application No. 2000/07/03/4299'S' proposing to add two floors, an extension to the rear and additions to both sides and the front of an existing single-family house in an RH-2 (House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the building permit application as revised.

**SPEAKER(S):**

**(-) Steve Williams – Representing one of the DR requestors.**

- This is the same case that was brought to the Commission about 3 years ago.
- The Commission stated findings on this case on March 20, 1998. At that time the Commission found that this project was in violation of the priority policies of the Master Plan and the Housing Element of the Master Plan.
- There is a petition that has 80 names of people opposed to the project in 1998.
- There is a resolution from San Francisco Neighborhoods who oppose the project.
- He walked from his house up to the subject house and took a photo of the small houses along the way. This project would set a precedent in this neighborhood.
- Last time, there was a unanimous decision to oppose this project.

**(-) Larry Minnich – 2<sup>nd</sup> DR requestor**

- He lives on Lake Street
- They felt that the neighborhood did not get a notice of the hearing.
- This is a replay of a situation 3 years ago. It also went to the Board of Appeals.
- A sound affordable house will be replaced by a 4-story monster structure.
- The packet indicated that the neighbors were not concerned and that they were not opposed. This is not true. There have been about 80 signatures from people who have signed a petition in opposition to this project.
- There were many people who were not able to attend because they couldn't take time off from work.
- He would like the 4<sup>th</sup> story eliminated.
- He likes his neighbors but he is just opposed to the project.

**(-) Carl Marshall – 3<sup>rd</sup> DR Requestor**

- He was also here in 1998 and the review board in 1999.
- The house is the same as it was at that time.
- His house looks good if you drive by it.
- They already have a 4<sup>th</sup> story in this neighborhood.
- The project sponsors are good people but the project is just too large.
- They have had very little notice about this hearing.
- They are against destroying this little house.
- He hopes that the Commission remembers the history a few years ago about this house.

**(-) Yasuko Morimoto**

- She has lived in this house for 31 years.
- These houses are the last of those built in 1906. She knows that the neighbors fought hard to save the house and not be demolished in 1998. They have also gone to 3 appeal hearings.
- This construction would be just as large as the original developer's construction.
- She hopes that there will be some kind of compromise so that everyone can enjoy the quality of life they have and be able to share the air and light.

**(-) Elizabeth Jasper**

- She lives on Lake Street.

- She understands the need for people to have families and be able to enjoy their space but his project will change the character of the neighborhood.

- She will loose sunlight and a bit of privacy if this project is approved.

- It appears that the project sponsor has the financial possibilities to find a larger home.

**(-) Anne Ingram**

- She has lived on Lake Street for over 3 years.

- She realizes that this family is allowed to grow and build a larger home, yet this project will block their view and cause the sunlight coming into their apartment to be minimized.

**(-) Hiroshi Fukuda**

- He belongs to the Richmond Neighborhood Association

- This project was too large a few years ago and it's still too large.

- San Francisco is a great City and one of the things that makes this City great is its diversity.

- If this family wanted a larger house, they should have purchased a larger house.

- In the Lake Street area a smaller car would be more appropriate also.

**(-) Chris Hoffman**

- He lives on Lake Street

- This project should be similar in size as the one that just went up at the corner.

- He would like to have the Commission preserve the quality of life for himself and his neighbors.

**(-) Dan Cheetnam**

- He is an architect and lives on Lake Street.

- He has also owned a home before and did construction to the house but did not change the envelope so drastically.

- It is not much to ask to have the volume of the house be minimized.

- He asks that the Commission modify the plans.

**(-) Eric Reyes**

- He was here a few years ago when the house was going to be demolished.

- Any potential buyer was told that if they wanted to do any type of remodeling and it was outside the character of the neighborhood, the neighborhood would oppose.

- If the family wanted a larger house, there was no need to purchase this particular house.

- The people proposing the construction are not developers but it still requires the approval of the neighborhood.

**(-) Gina Morimoto-Reyes**

- She lived on Lake Street from 1969 until a few years ago when she got married.

- One of the special things about San Francisco is that although it's a big City, it is also a small town because everyone knows each other.

- The neighborhood has fought hard to keep the integrity of the neighborhood and to save this house.

- Even though she doesn't live in the neighborhood, there is something special about the neighborhood and about this house.

**(-) Bill Iracki**

- He lives on 17<sup>th</sup> Avenue

- Many neighborhoods have fought these monster homes.

- It is more economic to make alterations without changing the envelope.

- He feels the economics are against this project.

**(+) Kenneth Liu – Project Sponsor**

- They purchased this house two years ago since this was a house they could afford at that time. They are not wealthy.

- This is not the biggest house on the block. They have been very generous on the setbacks.

- The house is the smallest house on the block.

- They have been waiting very patiently

**(+) Monique Ann Liu**

- There are many people who oppose this house.

- When they purchased the house, this was one they could afford when they got married and thought it would be great for starting a home.
- The houses on Lake Street are very expensive.
- They would like to have the opportunity to have 3 or 4 children and be able to have her parents live with them. This is their Chinese culture.
- They have been very open to the design of the home.

(+) Jason Chan – Project Architect

- At the beginning of the project, they did a thorough study of the adjacent buildings.
- They have tried to do everything possible to accommodate the neighbor's concerns.
- They have not been very successful in getting the neighbors to agree with the design.
- They have worked really hard to deal with neighbors' issues.

ACTION: **Continued to September 20, 2001 in order to provide more information on how this project differs from the previous ruling of March 20, 1998.**

AYES: **Baltimore, Chinchilla, Fay, Joe, Lim, Salinas**

ABSENT: **Theoharis**

21. 2001.0758D (SIROIS: 558-6313)

63-65 BUENA VISTA TERRACE - east side of Buena Vista Terrace, between Buena Vista Avenue and 14<sup>th</sup> Street, Lot 032 Assessor's Block 2609. Staff initiated Discretionary Review of Building Permit Application No. 2001/05/25/0011 requesting authorization to merge two units in a four unit building located in an RH-2 (Residential, Two Family House) District and a 40-X height and Bulk District pursuant to Planning Commission Resolution No. 16053.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

SPEAKER(S):

(+) Andres Esparza – Project Sponsor

- He has lived in the building as a tenant since 1987. He purchased the building in April of 1998--so he has lived there for 14 years.
- This is a well established building.
- The two units he wants to combine, will make a more suitable place for he and his family.
- He wants to expand the kitchen and the dining room in the unit that will be merged.
- He has made several improvements for many of his neighbors.
- His living circumstances have changed.
- The space that they are in is too crowded.
- With the improvements, he will be making something positive in the neighborhood.

(+) Jacki Yahn – Project Architect

- There are not too many options to expand the bedrooms.
- They are keeping the integrity of the front of the house.
- This family would be forced to leave the City if this project is not approved.

(+) Kirk Michael

- He recently became engaged and he is seeking other housing because where he lives is too small.

ACTION: **Approved**

AYES: **Baltimore, Chinchilla, Fay, Joe, Lim, Salinas**

ABSENT: **Theoharis**

22. 2001.0525DDD (SIROIS: 558-6313)

1489-5TH AVENUE- west side of 5<sup>th</sup> Avenue, between Kirkham Street and Judah Street, Lot 022, Assessor's Block 1848. Request for Discretionary Review of Building Permit Applications 2001/02/23/2854 and 2001/02/23/2857 proposing the demolition of a single-

family dwelling, and construction of a two-unit residential building in an RH-2 (Residential, Two Family House) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and approve project with conditions.

**SPEAKER(S):** None

**ACTION:** Continued Without Hearing to September 13, 2001

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim

**NAYES:** Salinas

**ABSENT:** Theoharis

23. 2001.0559D (S. SNYDER: 558-6543)

337-339 MISSISSIPPI STREET - on the west side of Mississippi Street, north of the intersection of Mississippi and 19th Streets, on Lot 15 of Assessor's Block 4039. Mandatory Discretionary Review of Building Permit Application No. 2001/04/16/6901 proposing to merge a two-unit dwelling into a one-unit dwelling in an RH-2 (Residential House, Two-Family) District and a 40-X Height and Bulk District pursuant to Planning Commission Resolution 16078.

Preliminary Recommendation: Take Discretionary Review and do not approve the project as submitted.

**SPEAKER(S):** None

**ACTION:** Continued Without Hearing to October 4, 2001

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim

**NAYES:** Salinas

**ABSENT:** Theoharis

## F. PUBLIC COMMENT

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**Abdalla Megahed**

*Re: Homelessness/Flea Market*

- There is a real problem in this City regarding homelessness.
- The truth is that there are people who continue to become homeless.
- Please open your eyes to this problem.
- A flea market in this City would help people to get some income.

Adjournment: 4:45 p.m.

**THE DRAFT MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, OCTOBER 11, 2001.**

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis



F  
65  
10  
23/01

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, August 23, 2001 DOCUMENTS DEPT.

**1:30 PM**

NOV 16 2001

Regular Meeting

SAN FRANCISCO  
PUBLIC LIBRARY

**PRESENT:** Baltimore, Chinchilla, Joe, Lim, Salinas, Theocharis  
**ABSENT:** Fay

THE MEETING WAS CALLED TO ORDER BY PRESIDENT THEOHARIS AT 1:43 p.m.

**STAFF IN ATTENDANCE:** Gerald G. Green, Director of Planning; Larry Badiner, Zoning Administrator; Randall Dean; Daniel Sirois; Elizabeth Gordon; Michael Li; Tina Tam; Matt Snyder; Tim Woloshyn; Dan Sider; Mary Woods; Thomas Wang; Dario Jones; Nora Priego, Transcription Secretary; Linda Avery, Commission Secretary

### A. ITEMS PROPOSED FOR CONTINUANCE

1. 2001.0602E (MALTZER: 558-5977)  
PERMANENT INDUSTRIAL PROTECTION ZONE SPECIAL USE DISTRICT - Appeal of Preliminary Negative for a proposed permanent industrial protection zone Special Use District within a multi-block portion of the City's industrially zoned land, the area generally bounded by the following streets and avenues: Bayshore Boulevard, 26th Street, 25th Street, Iowa, Tubbs, 22nd Street, San Francisco Bay, Islais Creek, Third Street, Evans, Rankin, Phelps, Oakdale, Selby and Helena. Within the Special Use District the provisions of the underlying M-1 and M-2 zoning controls would remain applicable, except that i) no residential or live/work development or conversion to such uses shall be allowed; and ii) no new office development or conversion to office shall be allowed.  
Preliminary Recommendation: Reject the appeal and uphold the Department's decision to publish a Negative Declaration.

(Proposed for Continuance to September 6, 2001)

**SPEAKER(S):** None

- ACTION:** Continued to September 6, 2001  
**AYES:** Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis  
**ABSENT:** Fay
2. 2001.0602ETZ (GHOSH/LORD: 558-6275/558-6311)  
**INDUSTRIAL PROTECTION ZONE – SPECIAL USE DISTRICT** - Consideration of adoption a resolution that imposes zoning controls establishing a Special Use District Industrial Protection/Zone where new residential, live/work and office/business services and information technology uses would not be permitted in the area generally bounded by Bayshore Avenue, 26<sup>th</sup> Street, 25<sup>th</sup> Street, Iowa Street, Tubbs Street, 22nd Street, San Francisco Bay, Islais Creek, Third Street, Evans Avenue, Rankin Street, Phelps Street, Oakdale Avenue, Selby Street and Helena Street.  
Preliminary Recommendation: Approve Resolution adopting Permanent Industrial Protection Zone – Special Use District  
(Continued from Regular Meeting of July 19, 2001)  
**(Proposed for Continuance to September 6, 2001)**
- SPEAKER(S):** None  
**ACTION:** Continued to September 6, 2001  
**AYES:** Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis  
**ABSENT:** Fay
3. 2000.1217C (DiBARTOLO: 558-6291)  
**1100-1126 POLK STREET (AKA: 1092 POST STREET)** - northeast corner of Post and Polk Streets; Lot 12 in Assessor's Block 692 - Request for Conditional Use authorization to allow amplified live and recorded music (defined as "Other Entertainment" by Planning Code Section 790.38) in an existing bar, d.b.a. The Lush Lounge, as required by Planning Code Section 723.48 in the Polk Street Neighborhood Commercial Zoning District and a 130-E Height and Bulk District.  
Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of August 9, 2001)  
**(Proposed for Continuance to September 13, 2001)**
- SPEAKER(S):** None  
**ACTION:** Continued to September 13, 2001  
**AYES:** Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis  
**ABSENT:** Fay
4. 1999.423B (M. SNYDER: 575-6891)  
**699 - 2<sup>nd</sup> STREET** - "the California Warehouse", northeast corner of 2nd and Townsend Streets, Lot 4 in Assessor's Block 3789 - Request for authorization under Planning Code Sections 320-325 (Office Development Limitation Program) to establish 49,500 gross square feet of new office use in an SSO (Service, Secondary Office) District, a 50-X Height and Bulk District, the South End Historical District, and a Mixed Use Housing Zone (as designated in Planning Commission Resolution 14861).  
Preliminary Recommendation:  
**(Proposed for Continuance to September 13, 2001)**
- SPEAKER(S):** None  
**ACTION:** Continued to September 13, 2001  
**AYES:** Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis  
**ABSENT:** Fay
5. 2000.723ABCV (M. SNYDER: 575-6891)  
**639 - 2<sup>nd</sup> STREET** - east side between Brannan and Townsend Streets, Lot 5 in Assessor's Block 3789 - (1) Request for new office use authorization under Planning

Code Section 320-324 (Office Development Limitation Program) to allow for the construction of 49,500 gross square feet of new office use; (2) request for Conditional Use authorization under Planning Code section 818.14 to construct nine dwelling units in an SSO (Service / Secondary Office) District; and (3) Request for a Certificate of Appropriateness from the Planning Commission to allow new construction in the South End Historic District. The property is within an SSO (Service, Secondary Office) District, a 50-X Height and Bulk District, the South End Historic District, and a Mixed-use Housing Zone (as designated in Planning Commission Resolution 14861).

**(Proposed for Continuance to September 13, 2001)**

**SPEAKER(S):** None

**ACTION:** Continued to September 13, 2001

**AYES:** Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis

**ABSENT:** Fay

6. 2000.1140XE (CHAN: 558-5982)

**1. POWELL STREET – Appeal of a Preliminary Negative Declaration.** Assessor's Block 3530, Lot 6. The proposed project is the seismic upgrading, and expansion of the existing seven-story, Bank of America building, from 90,330 square feet to 101,760 square feet, an increase of 11,430 square feet. The seismic upgrade and expansion would occur within the existing building shell except for filling in the light well on the third through eighth floors. The building, originally the Bank of Italy, was constructed in 1920 and is a Category I building in Article 11 of the San Francisco Planning Code. The building is within the Kearny-Market-Mason-Sutter Conservation District and the Downtown Area Plan. The project site is within a C-3-R (Downtown Retail) District, where office and retail uses are permitted, and is within a 110-X Height and Bulk District.

**(Proposed for Continuance to September 20, 2001) September 6, 2001**

**SPEAKER(S):** None

**ACTION:** Continued to September 6, 2001

**AYES:** Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis

**ABSENT:** Fay

- 7a. 2000.497CV (CHIN: 575-6897)

**611 JONES STREET** - west side of Jones Street near the northwest corner of Jones and Geary; Lot 003 in Assessor's Block 0304 - Request for Conditional Use authorization pursuant to Sections 249.5(c)(14), 253(a) and 263.7 of the Planning Code to demolish a single-family dwelling and construct an eight-story, 103 foot tall, eight unit condominium building, in a RC-4 (Residential-Commercial Combined Districts, High Density) Zoning District, North of Market Special Use District-1 and an 80-130-T Height and Bulk District.

Preliminary Recommendation: Approval with conditions.

(Continued from Regular Meeting of August 2, 2001)

**(Proposed for Continuance to October 11, 2001)**

**SPEAKER(S):** None

**ACTION:** Continued to October 11, 2001

**AYES:** Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis

**ABSENT:** Fay

- 7b. 2000.497CV (CHIN: 575-6897)

**611 JONES STREET** - west side of Jones Street near the northwest corner of Jones and Geary; Lot 003 in Assessor's Block 0304 - REAR YARD VARIANCE SOUGHT: The proposal is to demolish a single family dwelling and construct an eight-story, 103 foot tall, seven unit condominium building, in a RC-4 (Residential-Commercial Combined Districts, High Density) Zoning District, North of Market Residential Special Use District-1 and a 80-130-T Height and Bulk District. Section 134(a)(1) of the Planning Code requires a

minimum rear yard of 21 feet 10 inches for the subject property, measured from the rear property line. The proposed building would encroach into the required rear yard by amounts varying approximately from 6 to 15 feet, thereby requiring a rear yard variance.

(Continued from Regular Meeting of August 2, 2001)

**(Proposed for Continuance to October 11, 2001)**

**SPEAKER(S):** None

**ACTION:** Continued to October 11, 2001

**AYES:** Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis

**ABSENT:** Fay

## B. COMMISSIONERS' QUESTIONS AND MATTERS

### 8. Commission Matters

**Commissioner Salinas:**

*Re: Status of Affordable Housing Projects*

He would like to know what the status is on the affordable housing projects that are on the drawing board. He would like to have a time frame for these projects being completed.

*The Director responded that information would be provided to the Commissioners in their packets for the hearing of September 6, 2001.*

**Commissioner Baltimore:**

*Re: Approved below market rate units*

She had requested information on the number of units the Commission has approved in the below market rate (at 80%, 100% and 120% of meadian income levels).

*The Planning Director will schedule a presentation on September 6, 2001.*

**Commissioner Theoharis:**

*Re: Resolution from Supervisor Leno*

Commissioner Chinchilla brought up the recent resolution from Supervisor Leno urging the Commission not to approve residential housing projects of 10 units or more with less than a 10% or 15% affordability. The resolution stated that despite the guidelines, the Commission continues to approve projects that require far less than 10% affordability. Supervisor Leno has made the correction to this legislation. She also remembers that this legislation was put forward in the year 2000 and then withdrawn. She would like the Director to include this information in the report he will be giving on September 6, 2001.

*Re: Continuances*

She would like to let the public and developers know that projects cannot be constantly continued. This makes the calendar get out of hand since sometimes the hearings end at 10:00 p.m. and sometimes at 3:00 p.m. She would like the Commission Secretary to keep watch on the cases that are requested to be continued and make sure that the developers and the public know that even though there was a request for continuance, it does not mean that it will be granted.

**Commissioner Lim:**

*Re: Commending Planning Department Staff*

She wants to commend the Planning staff on their very professional work.

**Commissioner Chinchilla:**

He would like each commissioner to receive the PAC's Revitalization Concept Plan for Bay View Hunter's Point.

*The Planning Director stated that he would be in contract with the Redevelopment Agency and provide the Commissioner's with their copy.*

**C. DIRECTOR'S REPORT****9. Director's Announcements**

- The Planning Director will report on items brought up during Commissioner Matters on September 6, 2001.

**Zoning Administrator:***Re: Demolition Policies*

- The Department now operates under a memo that the ZA issued as a policy in 1998. This policy needs to be revisited because there have been a number of demolitions. He has been working with the Department of Building Inspection to develop a policy.

**Commissioner Lim:** Would it be a possibility for the Building Department to do a thorough inspection of homes that are to be demolished? She would like to have colored pictures of these site visits.

*The ZA stated that he would take this into consideration when he meets with inspectors of DBI.*

**10. Review of Past Week's Events at the Board of Supervisors and Board of Appeals  
BOS***RE: Appeal of the Environmental Impact Report for the New De Young Museum.*

- The Director along with Paul Maltzer attended the Board of Supervisor's hearing. The EIR will go back to the project sponsor's consultant to provide accurate and sufficient date. They will have to modify slightly the historical content in this report. He expects that this will be brought back to the Commission at a hearing during the later part of September.

**BOA:**

1432-34 Kearny Street – Discretionary Review in 1997 or 1998. This DR was withdrawn but then resubmitted. The issues were regarding underpinning. The Board denied this permit. This project was resubmitted without underpinning. The ZA stated that this was the same project and it did not require a 311 notice. This decision was appealed at the Board of Appeals last night. The Board determined that a 311 notice was required and requested that this project be brought to the Commission.

**D. REGULAR CALENDAR****11. 2001.0092EC (DEAN: 558-5980)**

1800 1820 SAN JOSE AVENUE - located on the west side of San Jose Avenue, between Santa Rosa Avenue and Colonial Way; Assessor's Block 3144A; Lot 31. **Appeal of a Preliminary Negative Declaration.** Proposed demolition of existing auto repair business structures, construction of two, four-story, nine-residential unit buildings,. One of the proposed buildings would have 800 sq. ft. of ground-story retail space. The project would provide 9 to 10 off-street parking spaces in each building. Parking garage entries would be from each of the side streets. The proposed project site is approximately 14,360 sq. ft. and is located in the NC-1 (Neighborhood Commercial Cluster) District and the 40-X Height and Bulk District. The project would require conditional use authorization by the City Planning Commission and lot split approval by the Department of Public Works.

Preliminary Recommendation: Uphold Preliminary Negative Declaration

(Continued from Regular Meeting of July 19, 2001)

**SPEAKER(S):****(-) John Andrews**

- This project does not conform to the character of the neighborhood since it is much larger and bigger than the other buildings.

- Most of the homes in this neighborhood are single-family homes.
- Traffic in the neighborhood will increase substantially which will cause a variety of environmental problems.

**(-) David Hooper**

- He lives near the proposed project.
- He does not support the environmental report since there are many buildings that come close to the height of the proposed project.
- This project will increase the demand on automobiles. He does not believe that people will only have one car per unit.
- The traffic will become denser.
- Does this project have to be 4 stories high?

**(+) Marcelle Arcilion**

- He lives within a block of the project site. If he were to choose between a mechanic shop or a residential building, he would choose a residential building because he is concerned about chemical exposure.
- He is in full support of the project that allows people to move into these units.

**(+) Jim Reuben – Reuben and Alter – Representing Project Sponsor**

- He thinks that the department did a great job on all the aspects of the environmental impact and has addressed all of the concerns.

**ACTION:** Negative Declaration Upheld

**AYES:** Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis

**ABSENT:** Fay

**MOTION:** 16208

12.

(SIROIS: 558-6313)

1800 1820 SAN JOSE AVENUE - west side of San Jose Avenue, between Colonial Way and Santa Rosa Avenue, Lot 031 Assessor's Block 3144A - Request for Conditional Use Authorization to demolish a service station pursuant to Planning Code Section 228.3, and to develop 18 residential units and approximately 1,600 square feet of ground floor commercial spaces in two buildings on two lots greater than 5,000 square feet in an NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District pursuant to Planning Code Section 710.11 and 121.1.

Preliminary Recommendation: Approval with conditions

(Continued from Regular Meeting of July 19, 2001)

**SPEAKER(S):**

**(+) Jim Reuben – Reuben and Alter**

- The project site is an old gas station, which is now used as car storage.
- Many neighbors will be glad to see this change of use.
- The project will contain 3 legal bedroom units.
- The Mission Terrace Organization actually supports this project.
- Letters were received which state concerns on the interior of the building.

**(+) Michael Levit – Project Architect**

- He attempted to design the proposed project similar to the homes located in the neighborhood.
- There is an existing pattern of open spaces.
- The project will be surrounded on 3 sides of streets and will have a large portion dedicated to open space.
- He tried to enclose the parking garage between the massing of the building.
- There will be retail space on the San Jose Avenue side.
- The building has been scaled down.
- There is a vehicular entrance on the side streets so there won't be congestion on San Jose Avenue.

**(-) Peter Tanenbaum – New Mission Terrace Improvement Association**

- They have had several meetings with the developers of this project. They voted to support this project.

- They would like a few items added: at least 2 affordable units; the commercial spaces to be larger; the commercial spaces to be retail; if the units become condominiums the retail space should become the property of the condominium association; have elevators installed.

**(+) David Hooper – Vice President - NMTIA**

- They are a child-friendly neighborhood.

- They would like to have more families come into this neighborhood.

- He would like to have 4 affordable units.

- He would like to have the retail square footage on the ground floor.

- There is no handicap accessibility included in this project.

- These requests would be in exchange for not removing the 4<sup>th</sup> floor.

**(+) Juan Cuellar**

- The project is very fair.

- Although the project is high, it is still a good project.

**(+) Matt Murphy**

- He has lived in San Francisco for the past 40 years, many of those years in this neighborhood.

- The project is good for the neighborhood.

**(+) Roger Ryan**

- He has children and believes that the neighborhood needs more children.

- Most of the people of the association approved the project.

- The only eyesore of the neighborhood is the gas station.

- Just across the street there is a Samoan Church, which is 4 stories high.

**(+) Mounir Kardosh**

- He has owned an Excelsior Auto Body Shop.

- The site is located between two MUNI metro sites. This will allow people to use transit more than cars.

**(+) Bill Fitzgerald**

- He was happy that the gas station would be taken away.

- All the green in the neighborhood fits in this project.

**(+) Anthony Saccu – New Mission Terrace Tenants Association**

- The neighborhood is in support of this project, although he knows that this project will not satisfy everyone.

- He read a letter from the neighborhood association supporting the project.

- Their requests are that there be 2 affordable units and that the area be rezoned for retail.

**(+) Peter Cohen – San Francisco Housing Action Coalition**

- This project has received their endorsement and he hopes that the Commission will approve this project as proposed.

**(+) Jaime Rossi – San Francisco Housing Action Coalition**

- His organization supports the project and it meets their criteria.

- This project provides much needed housing.

- There will be 3-bedroom units, which will allow families to stay in San Francisco.

**(+) Tony Vela**

- He knows the project behind the project site.

- This auto repair shop has been there for so many years. It would be nice to see something different there.

- Two units are plenty with regards to affordable units.

- There is access to units on the ground floor so there is no need for an elevator.

**(+) Joe O'Donaghue**

- Housing is being built instead of live/work yet people are still complaining.

- This is market-rate housing.

- This project has market rate housing in a neighborhood that had a gas station and auto shop.

**(-) Paul Melbostad**

- He lives in the neighborhood and belongs to the San Francisco Housing Action Committee.
- This degree of density is not appropriate.
- Revise the height and make half of the units affordable--yet the minimum should be at least one.

**(-) John Andrews – Mission Terrace Association**

- There were a lot of people who were against this project.
- The executive committee, which is a small subset of the association, is in support of the project. Therefore, not all the association supports this project.
- This project will create a traffic problem for the neighborhood.
- The great majority of the association members would like a 3 story building with more arrangements for parking.

**ACTION:** Approved staff recommendation to require three affordable units and further design review and landscaping  
**AYES:** Baltimore, Joe, Lim, Salinas  
**NAYES:** Chinchilla, Theoharis  
**ABSENT:** Fay  
**MOTION:** 16209

13. 2001.0563L (GORDON: 558-6309)  
300 BARTLETT STREET (MISSION CARNEGIE LIBRARY) - southwest corner at the intersection of Bartlett and 24<sup>th</sup> Streets, Assessor's Block 6515, Lot 1. Consideration of landmark designation and adoption of a resolution recommending landmark designation of the Carnegie Mission Branch Library as Landmark No. 234. The subject property is zoned P (Public), and is in a 50-X Height and Bulk District.

Preliminary Recommendation: Adopt a resolution approving Landmark designation and recommending that the Board of Supervisors approve the landmark designation.

**SPEAKER(S):**

- (+) Tim Kelley – President, San Francisco Landmarks Preservation Advisory Board
- He is pleased with the nominations of these buildings.
  - These are two of the 7 Carnegie Branch Libraries; the other 5 libraries will be scheduled in the future before the Planning Commission.
  - This nomination will set precedence for future nominations of these libraries.

**ACTION:** Landmark Designation Approved  
**AYES:** Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis  
**ABSENT:** Fay  
**MOTION:** 16210

14. 2001.0568L (GORDON: 558-6309)  
1135 POWELL STREET (CHINATOWN CARNEGIE LIBRARY) - west side between Washington and Jackson Streets, Assessor's Block 191, Lot 4. Consideration of landmark designation and adoption of a resolution recommending landmark designation of the Carnegie Chinatown Branch Library as Landmark No. 235. The subject property is zoned P (Public), is in a 65-A Height and Bulk District, and is in the Garment Shop Special Use District.

Preliminary Recommendation: Adopt a resolution approving Landmark designation and recommending that the Board of Supervisors approve the landmark designation.

**SPEAKER(S):**

- (+) Tim Kelley – President, San Francisco Landmarks Preservation Advisory Board
- (The comments he made under item 13 were also made for item 14.)

**ACTION:** Landmark Designation Approved  
**AYES:** Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis  
**MOTION:** 16211

15. 2000.1140X (LIGHT: 558-6254)  
1 POWELL STREET - west side between Eddy and Ellis Streets, Lot 5 in Assessor's Block 330 - Request under Planning Code Section 309 (Downtown Code) for Determination of Compliance to make minor modifications to the ground floor entrance and windows of the subject property to accommodate a retail store, and to seismically retrofit the existing 138-foot tall, seven-story over basement building containing a ground level retail banking office with office uses on the upper floors. The seismic retrofitting will be accomplished by infilling a large light well on the north side of the property with a structural system that will provide proper seismic reinforcement for the building. No Exceptions under Section 309 of the Planning Code are requested by the proposed project. The project is in a C-3-R (Downtown, Retail) zoning district, a 110-X height and bulk district, and in the Kearny-Market-Mason-Sutter Conservation District. The building is rated as a Category I building under the Downtown Plan.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of August 16, 2001)

**SPEAKER(S):** None

**ACTION:** Continued Without Hearing to September 6, 2001

**AYES:** Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis

**ABSENT:** Fay

- 16a. 1997.478E KMRZ (LI: 558-6396)  
525 GOLDEN GATE AVENUE - southwest corner at Polk Street; Lot 001 in Assessor's Block 0766: -- Adoption of resolution affirming the certification of the Final Environmental Impact Report and adopting findings pursuant to the California Environmental Quality Act for a new 14-story, 181-foot-high City Administrative Office Building.
- Preliminary Recommendation: Approval

**(NOTE: Items 16a,b,c,d, & e were all called and heard together)**

**SPEAKER(S):**

**(+) Edgar Lopez – Bureau of Architecture - Project Sponsor**

- There is no design for the project yet.
- He is here to seek Commission approval for the re-zoning.
- They have met several times with the community as well as two meeting with Supervisor Amiano in order to come up with a solution to decrease the shadow impact on the Tenderloin school.
- They have shown the new shadow study to the community and are willing to continue to work with them to find solutions as they move along with the design.

**(+) Rod Freebairn-Smith – Member of SPUR**

- He is here as a co-chair of SPUR.
- SPUR supports this project.
- SPUR asks the Commission to approve spot zoning for this building.

**(+) Kelley Cullens – Franciscan Brother**

- He doesn't support the spot zoning spoken about by the previous speaker.
- Changing the zoning and allowing tall buildings to go up next to City Hall doesn't keep the integrity of Civic Center.
- If more wind and more shadows are cast on the Civic Center area it will become a "no man's land."
- He hopes that the design of the building will not cast a shadow on the Tenderloin Grade School.

**(+) Roger Brandon**

- This building seems like it's not good planning.
- There is a building next door that is not fully occupied with City offices. That space should be occupied first.
- He is opposed to this project.

- ACTION:** EIR certified and CEQA findings were approved  
**AYES:** Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis  
**ABSENT:** Fay  
**MOTION:** 16212
- 16b. **1997.478KMRZ** (LI: 558-6396)  
**525 GOLDEN GATE AVENUE** - southwest corner at Polk Street; Lot 001 in Assessor's Block 0766 - Request for a General Plan Referral to determine if the construction of a proposed 14-story, 181-foot-high City Administrative Office Building is consistent with the objectives and policies of the General Plan.  
Preliminary Recommendation: Determination that the project is consistent with the objectives and policies of the General Plan
- SPEAKER(S):** Same as those listed for item 16a.  
**ACTION:** Approved determination that project is consistent with the objectives and policies of the General Plan  
**AYES:** Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis  
**ABSENT:** Fay  
**MOTION:** 16213
- 16c. **1997.478KMRZ** (LI: 558-6396)  
**525 GOLDEN GATE AVENUE** - southwest corner at Polk Street; Lot 001 in Assessor's Block 0766 - Request for reclassification of Lot 001 in Assessor's Block 0766 from a P (Public) District and a 130-E Height and Bulk District to a P (Public) District and a 200-L Height and Bulk District. The proposal is to amend the official zoning maps of the City and County of San Francisco to change the height and bulk district classification of Lot 001 in Assessor's Block 0766 from 130-E to 200-L to accommodate a proposed 14-story, 181-foot-high City Administrative Office Building. The use district classification of the subject property will remain the same.  
Preliminary Recommendation: Approval
- SPEAKER(S):** Same as those listed for item 16a.  
**ACTION:** Approved  
**AYES:** Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis  
**ABSENT:** Fay  
**MOTION:** 16214
- 16d. **1997.478KMRZ** (LI: 558-6396)  
**525 GOLDEN GATE AVENUE** - southwest corner at Polk Street; Lot 001 in Assessor's Block 0766 - Request to amend Maps 4 and 5 of the Urban Design Element of the General Plan in connection with a proposed 14-story, 181-foot-high City Administrative Office Building. The proposal is to amend Map 4 (Urban Design Guidelines for Height of Buildings) to show the height designation of Lot 001 in Assessor's Block 0766 as 161-240 feet. The current height designation is 89-160 feet. The proposal is to amend Map 5 (Urban Design Guidelines for Bulk of Buildings) to show the bulk designation of Lot 001 in Assessor's Block 0766 as follows: the guidelines shall apply above a height of 150 feet with a maximum plan dimension of 250 feet and a maximum diagonal dimension of 300 feet. The current bulk designation is as follows: the guidelines apply above a height of 80 feet with a maximum plan dimension of 110 feet and a maximum diagonal dimension of 125 feet.  
Preliminary Recommendation: Approval
- SPEAKER(S):** Same as those listed for item 16a.  
**ACTION:** Approved  
**AYES:** Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis  
**ABSENT:** Fay  
**MOTION:** 16215

- 16e. 1997.478KMRZ (LI: 558-6396)  
525 GOLDEN GATE AVENUE - southwest corner at Polk Street; Lot 001 in Assessor's Block 0766 - Request for a determination of the shadow impact significance on Civic Center Plaza from the construction of a proposed 14-story, 181-foot-high City Administrative Office Building.

Preliminary Recommendation: Determination of no significant shadow impact

**SPEAKER(S):** Same as those listed for item 16a.

**ACTION:** Approved determination of no significant shadow impact

**AYES:** Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis

**ABSENT:** Fay

**MOTION:** 16216

17. 2000.1279C (TAM: 558-6325)  
522-524 CLIPPER STREET - north side between Diamond and Douglass Streets, Lot 9 in Assessor's Block 6545 - Request for Conditional Use authorization under Planning Code Section 121(f) to allow the subject lot to be subdivided into two lots. One of the newly created lots will have a width of 19 feet, which is less than the required 25-foot minimum. The proposal also includes construction of a new four-story, single-family dwelling on the newly created 19-foot wide lot. The property is located in a RH-2 (Residential, House, Two-Family) District and 40-X Height and Bulk District.

Preliminary Recommendation: Disapproval

(Continued from Regular Meeting of July 26, 2001)

**Note:** On July 26, 2001, following public testimony, the Commission closed public hearing and continued the case to August 9, 2001 to allow the project architect to submit revised architectural drawings and to have a representative from the Building Department attend the hearing. The Vote was +6 -0. Commissioner Theoharis was absent.

**SPEAKER(S):**

**(+) Michael Levit – Project Architect**

- Under conditional use a structure is allowed to be built on this lot without the lot subdivision, which would be the same size structure of the same width. Because of the additional width of the existing lot, there is enough square footage to accommodate three units.
- This project has gone through many reductions in scale. He has tried to respond to the department's issues and surrounding neighbors. There are many neighbors in support of the project.
- He displayed diagrams that showed the design of the project.

**(+) Denny Andyelkduci**

- He has seen the plans and was given an explanation by the project sponsor of the details of the project.
- He believes that this will improve the neighborhood.

**(+) Vicky Sagario**

- The plan will improve the existing property.
- She lives across the street from the property and it will benefit her to have an improved building across the street.

**(+) Ben Geffen – Project Sponsor**

- The parking issue was discussed at the previous hearing. There will be space only for 3 cars.
- He and the architect have been working very hard on this project.
- He has reached anybody who has showed interest in this project.
- There is no way to completely satisfy everyone who has concerns about this project.
- This project will be very compatible with the neighborhood.

- They have done many revisions to the project, taking into consideration all the issues the neighbors have had.

**(+) Joe O'Donaghue**

- This project is two units and staff recommendeds disapproval.

- The project sponsor is not a developer.

- This homeowner has invested into this project and should be allowed to go through with it.

- The Planning Department needs to approve project (like this), which are beneficial to the needs of today.

**(-) Salem Muffarreh**

- There are many homeowners here that are against the project.

- This project will build 4 stories on a very narrow lot.

- There are no 4-story buildings on the block.

- The deck, which will be built on this project, will look over his bedroom.

**(-) Antoinette Muffarreh**

- Clipper is much higher than Diamond Street.

- Her concern is related to privacy.

**(-) Oscar Tagle**

- He lives on Diamond Street

- He had supported the project in the beginning since it was initially designed as a 3 story home. Now the design has changed to a 4-story home and he does not agree with this.

**(-) Norberto Melendez**

- He lives near the proposed project.

- There is no need to maximize projects to their maximum height and width.

- If there are any neighbors supporting this project it is because they live across the street. There are other neighbors in the back part of the building, which do not support it.

- His concerns are related to the building height and mass and loss of privacy.

**(-) Phillip Platt**

- Twenty-Fifth Street is 1 story below the level of Clipper Street.

- His bedroom is below the height of the existing building.

- Many of the trees, which are already there, will be removed.

- This project is not compatible with the neighborhood.

**(-) Jerry Polon**

- He lives on 25<sup>th</sup> Street.

- He did not receive a notice regarding this hearing. He found out about this from a neighbor.

- He does not support this project.

**(-) Anastasia Yovanopoulos – Friends of Noe Valley**

- She would like to keep Noe Valley as it is.

- Trees are very important to the City and this project poses a threat to the trees.

**ACTION:** Intent to approve with the following additional conditions: (1) the proposed single-family dwelling shall not exceed more than 3 stories in height; (2) the applicant shall submit a Tree Plan; (3) the applicant shall obtain a Certificate of Final Completion for the interior and exterior changes to the existing two-family dwelling prior to the occupancy of the new single-family dwelling; (4) the applicant shall record a Notice of Special Restriction to ensure one off-site parking spaces for the existing two-family dwelling; and (5) the final plans for the proposed single-family dwelling shall be reviewed and approved by the staff of the Department of City Planning. **Final Language/Action on 9/6/01.**

**AYES:** Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis

**ABSENT:** Fay

18. 2000.306C

(TAM: 558-6325)

215 CHURCH STREET - east side of Church Street, between Market and 15th Streets; Lot 64 in Assessor's Block 3544 - Request for Conditional Use authorization to allow a

full-service restaurant (CHOW) to expand to greater than 3,000 square feet in floor area by the creation of an outdoor activity area, approximately 238 square feet in area, at the rear of the building in the Upper Market Street Neighborhood Commercial District and a 80-B Height and Bulk District, pursuant to Planning Code Sections 721.21 and 721.24. This request also includes an amendment to a previously approved Special Use authorization (81.526U) to increase the seating capacity from 40 to 68 seats, including outdoor seating, and to extend hours of operation from 11:00 p.m. to 12:00 midnight.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of August 2, 2001)

SPEAKER(S):

(+) Joe Conte – Project Sponsor

- He has the following three requests: 1) build a rear patio to accommodate more guests; 2) build a functional area to handle the amount of garbage they generate since their current recycling program requires 5 different garbage containers, the recycling program does not allow plastic bags so they also need cemented space with a drain to wash out their garbage containers; 3) they will be required by the fire department and the Building Department to upgrade an exit and install a sprinkler system to the whole building.
- He has had various conversations with the neighbors but only recently have these meetings been productive.
- He is willing to design the space requested with all the conditions that are required of him.
- The project will cost \$200,000. In order to be able to pay for all these upgrades, he needs to have the hours be less restrictive.
- The following conditions are in addition to the ones requested by the Planning Department: 1) all conditions stated in the already existing "Noise Reduction Plan"; 2) small tables seating 2 to 4 people each; 3) add a roof to the garbage area (subject to Building Department approval); 4) low lighting; 5) no music; 6) close patio at 10:00 p.m.; 7) no bar; 8) no smoking; 9) will not be used for a standing or waiting area; 10) no private parties or banquet events; 11) rat slab will be built under the deck; 12) sound proof back wall; 13) the awning will remain closed after 8:00 p.m.; 14) remove fireplace from proposal; 15) add the following noise reduction recommendations resulting from a meeting with a neighborhood representative named Dana Campini and a sound engineer.
- He realizes that these extra conditions will probably take an extra effort but he is willing to do this in order to keep his restaurant open.

(-) Tina Dahl

- She is a resident on Landers Street.
- She handed a petition with signatures of people who are opposed to the construction.
- Parking is greatly impacted by the increase of people coming into the neighborhood.
- In the morning she can see about 10 empty spaces of cars that were parked there attending the restaurant.
- Most of the buildings are three stories and the noise disturbs most of the neighbors.
- She would like for the Commission to not be lenient.
- They are concerned that the entire leniency that the restaurant owner is showing is just to get the project approved but they won't stick to the requirements.

ACTION: Approved with recommendations stated by Project Sponsor and staff.

AYES: Baltimore, Lim, Theoharis, Salinas

NAYES: Joe

ABSENT: Chinchilla and Fay

MOTION: 16217

19. 2000.1104C (M. SNYDER: 575-6891)  
488 BRYANT STREET - north side between 2nd and 3rd Street, Lot 18 in Assessor's Block 3763 - Request for Conditional Use authorization under Planning Code Section 817.73 and 227(h) to install three panel antennas on the building rooftop and related

backup equipment within the building in an SLI (Service Light Industrial Mixed-Use) District and a 40-X Height and Bulk District. This is a Preference Location 4.  
Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of August 16, 2001)

**SPEAKER(S):****(+) Jenney Estes – Representing Project Sponsor**

- This is a preference location 4
- The engineer is here for any questions.

**ACTION:** Approved**AYES:** Baltimore, Joe, Lim, Salinas, Theoharis**ABSENT:** Chinchilla, Fay**MOTION:** 16218

20. 2001.0604C (WOLOSHYN: 558-6612)  
3928 GEARY BOULEVARD - north side between Third and Fourth Avenues and Divisadero Streets, Lot 016 in Assessor's Block 1435 - Request for Conditional Use Authorization under Planning Code Section 712.61 to operate an automobile rental establishment within an NC-3 (Moderate-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District. The proposal is to convert an existing automobile repair establishment (Harry's Auto Repair) to an automobile rental establishment (Hertz). The proposed automobile rental facility will operate within the current footprint of the building. Minor internal changes are proposed as part of the conversion.  
Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of August 16, 2001)

**SPEAKER(S):****(+) Robert King**

- He has no exceptions to the conditions.

**(+/-) Patricia Voughay**

- She would like to note that there was an error in the calendar language.

**ACTION:** Approved**AYES:** Baltimore, Joe, Lim, Salinas, Theoharis**ABSENT:** Chinchilla, Fay**MOTION:** 16219

21. 2001.0639C (SIDER: 558-6697)  
60 - 6<sup>th</sup> STREET, northwestern corner of Jessie and 6<sup>th</sup> Streets; Lot 6 in Assessor's Block 3703 - Request for Conditional Use Authorization to allow the intensification of a nonconforming nighttime entertainment use, pursuant to Planning Code Section 181(f), in an RSD (Residential / Service) Mixed-Use District with an 85-X Height and Bulk designation. The existing facility ("Club Six"), located on the ground and basement levels of the property, is a nightclub, bar, and lounge which currently has permits to operate every night from 8 p.m. until 2 a.m. The proposal is to extend Club Six's hours of operation on Friday and Saturday nights until 4 a.m. No physical changes are to be made to the subject structure.  
Preliminary Recommendation: Approval with Conditions

**SPEAKER(S):****(+) Peter Glickstein**

- Any establishment that serves liquor cannot serve to minors.
- They have been operating this establishment for two years on 6<sup>th</sup> Street and have done very well.
- They would like to have their hours extended.
- They haven't had any complaints.
- They have established a decent track record.

- He is part of a program called "the clean team" which employees school kids in the summer to help clean up.
  - He is part of a watch team to keep 6<sup>th</sup> Street safe.
  - They will hire a security person.
  - They will have the entrance to the establishment on Jessie Street, which will decrease the foot traffic on 6<sup>th</sup> Street.
  - They have support by neighbors, business owners and clients.
- (+) John Wood – San Francisco Late Night Coalition
- The project sponsor is one of the most responsible establishment owners that they know.
  - The extended hours permit does not allow minors after 2:00 a.m.
  - The coalition supports this project.
  - The project sponsor is one of the founders of the Late Night Coalition.
- (+) Joe O'Donaghue – Residential Builders
- Many of their members are actively participating in revitalizing the 6<sup>th</sup> Street area.
  - Minors should be allowed to go to places in the late hours.
  - The project sponsor is reaching out and doing many good things to this City.

**ACTION:** Approved

**AYES:** Baltimore, Joe, Lim, Salinas, Theoharis

**ABSENT:** Chinchilla, Fay

**MOTION:** 16220

#### E. DISCRETIONARY REVIEW HEARING

At Approximately 7:30 PM the Planning Commission convened into a Discretionary Review (DR) Hearing.

22. 2000.194D (SIDER: 558-6697)  
2121 EVANS AVENUE - west side between Army (Cesar Chavez) and Napoleon Streets, Lot 001B in Assessor's Block 4343 - Mandatory Discretionary Review of Building Permit Application Nos. 2000.07.20.4210, 2000.07.20.4204, and 2000.06.26.3720, proposing to demolish three industrial sheds totaling approximately 6,724 gross square feet and replace them with an approximately 88,653 gross square foot expansion to an existing building containing approximately 82,985 gross square feet of industrial use and 1,746 gross square feet of retail use. The property is within an M-2 (Heavy Industrial) District, a 65-J Height and Bulk District, and the Industrial Protection Zone.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

(Continued from Regular Meeting of August 9, 2001)

**SPEAKER(S):**

(+) Tony Pantaleoni – Project Sponsor

- He is available for any questions.

**ACTION:** Do not take DR and approve as proposed.

**AYES:** Baltimore, Joe, Lim, Salinas, Theoharis

**ABSENT:** Chinchilla, Fay

23. 2001.0497DD (WOODS: 558-6315)  
2408-10 UNION STREET - north side between Scott and Pierce Streets, Lot 7 in Assessor's Block 536 - Requests for Discretionary Review of Building Permit Application No. 2001/0122/0297 to add an additional story and a horizontal addition at the rear of an existing three-story, two-unit building located within an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed by the project sponsor.

(Continued from Regular Meeting of August 9, 2001)

**SPEAKER(S):****(-) Steve Williams – Representing DR Requestor**

- Mr. Grove lives in a key lot so everything that happens on his lot affects two other projects.

- The project violates the Cow Hollow Design Guidelines.

- This project will have the first 4<sup>th</sup> story in the neighborhood.

**(-) Marvyn Grove**

- There would be a significant shadow impact on his property.

- He proposes that there be a slight set back in order to reduce the impact on several key windows to his property.

**(-) (did not state name)**

- There is an actual removal of a housing unit.

- The sponsor will construct a unit in the basement.

- The issue of 8 bedrooms and enlarging a house and not having any parking spaces is definitely an issue.

- There is an issue with regards to the view.

- The project sponsor has been very good about listening to their concerns.

**(-) Brook Sampson – Director of the Cow Hollow Neighborhood Association**

- Their long standing policy is to be a mediator in disputes between neighbors.

- They have not been able to accomplish a settlement with this case.

- The issues here are: neighborhood character, topography and terrain, etc.

**(-) Patricia Voughay**

- For two years there have not been any compromises.

- Rentals are being lost and then one wonders why the City does not have housing units.

- Everyone seems to want a bigger house.

- Everyone should be treated equally.

**(+) Susan Michael – Project Architect representing Project Sponsor**

- The Planning Commission approved the Cow Hollow Neighborhood Association guidelines after this project request was submitted. Therefore, those guidelines do not apply.

- This project preserves the character of the house and the neighborhood.

- She displayed photographs of the proposed construction.

- She met with Brook Sampson and other members of the Cow Hollow Association and at that time they were in support of the project. This is the first time that she hears they are opposed to the project.

- The affect on parking will be minimal. She displayed a diagram of the garage and how it will be enlarged. There will only be one legal parking space.

- The top floor has not been occupied for 30 years. This unit will be upgraded and used as a rental unit.

**ACTION:** Do not take Discretionary Review and approve project as submitted.

**AYES:** Baltimore, Lim, Salinas, Theoharis

**NAYES:** Joe

**ABSENT:** Chinchilla, Fay

24. 2001.0534DDDDDD (WANG: 558-6335)  
18-28 MIGUEL STREET - north side between Beacon and Bemis/Fairmont Streets, Lot 048 and 049 in Assessor's Block 7542 - Request of Discretionary Review of Building Permit Application Nos. 2000/09/15/0713 and 2000/09/15/0714 to construct one new three-story over garage, single-family dwelling on each of the two vacant lots in an RH-1 (Residential, House, Single-Family Dwelling) District and a 40-X Height and Bulk District. Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted

**SPEAKER(S):** None

**ACTION:** Continued without Hearing to September 27, 2001

**AYES:** Baltimore, Joe, Lim, Salinas, Theoharis  
**ABSENT:** Chinchilla and Fay

25. 2001.0727D (SIROIS: 558-6313)  
229 STATES STREET - south side of States Street, between Castro Street and Levant Street, Lot 083, Assessor's Block 2619 - Request for Discretionary Review of Building Permit Application 2001/03/05/3444 proposing the construction of a two-unit residential building in place of an existing single-family house proposed for demolition in an RH-2 (Residential, Two Family House) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve project as proposed.

**SPEAKER(S):** None  
**ACTION:** DR Withdrawn

26. 2001.0610D (JONES: 558-6477)  
1117 JUDAH STREET - south side between 16th and 17th Avenues, Lot 48 in Assessor's Block 1837 - Request for Discretionary Review of Building Permit Application No. 2000/10/16/3112 for the demolition of the existing three-story single-family dwelling, and for the new construction of a four-story, two family dwelling within an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do take Discretionary Review and approve project with modifications to match the D.R. Requestor's light well.

**Item called out of order – after item 17.**

**SPEAKER(S):**

(-) Lawrence Cornfield – Building Inspector

- In 1988 the Building Department developed a procedure to determine whether a building was an unsound structure.
- They determined with the Planning Department to set a threshold that if the repairs required to meet the minimum standard of San Francisco housing exceeded 50% of the construction of the new building, then it would be determined an unsound structure.

(-) Mimi Lee – DR Requestor

- Displayed a model of how the proposed building would have adverse impacts on adjacent buildings.
- There were errors and inconsistencies on various documents. She has summarized them and handed them to the Commissioners.

(-) Tom Turrouski

- He lives on Judah Street.
- There will be lack of light from this construction.
- The back deck will ruin another Sunset District back yard.
- He hopes that the case will not be approved without modifications to address the concerns of the DR requestor.

(-) Tenison Lee – Brother of DR Requestor

- There is one room in his parents house which has a lot of sunlight most of the day. The proposed construction would block this light completely.

(+) Brendon Laylor – Project Sponsor

- He has had numerous meetings with the DR requestors and planning staff. He has redesigned his building three times to accommodate DR requestor and planning staff.
- He has offered numerous improvements to the DR requestor's home in order to decrease the impact from the proposed construction.

**ACTION:** Take Discretionary Review with the following modifications: 1) modify the light well; 2) issue a notice of special restriction; 3) project be limited to two units by having an open area on 2<sup>nd</sup> floor, on room adjacent to the stairwell which is labeled as office; install a reflective substance on the

roof; move 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> floors back 8 feet so that it's in line with the windows.

**AYES:** Baltimore, Joe, Lim, Salinas, Theoharis  
**ABSENT:** Chinchilla and Fay

## F. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1), responding to statements made or questions posed by members of the public; or
- (2), requesting staff to report back on a matter at a subsequent meeting; or
- (3), directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

### **Joe O'Donaghue – Residential Builders**

- He has been around this Commission since 1978.
- Since 1978 he has come to understand the politics of the Board of Supervisors and the responsibility of the Planning Commission.
- There has not been one single unit of housing because of all the politics of the Board of Supervisors.
- This board is obligated to find housing.
- He has asked the Board of Supervisor's when these housing units will be built!
- Builders and developers have built live/work because that's what was allowed to build.
- There is no affordable housing in this City. Housing is very necessary.

### **Patricia Voughay**

- She is here on two issues: 1) loss of housing. Families are having a hard time staying in San Francisco.
- 2) Lombard Master Plan.
- One person put up a billboard. This person wrote a letter to his neighbor, which stated that if this person (the neighbor?) didn't give him 20% of the profit he would make his life miserable.
- There are 47 billboards and 36 of them appear to be over the limit.
- She presented the survey to the Board of Appeals.
- There are many business owners that will suffer from this because they will be caught in the middle.
- They have to evaluate what will go on Lombard Street.

Adjournment: 8:10 p.m.

**THE DRAFT MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, October 11, 2001.**

**ACTION:** Approved  
**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

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# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, September 6, 2001

1:30 PM

DOCUMENTS DEPT.

Regular Meeting

NOV 28 2001

SAN FRANCISCO  
PUBLIC LIBRARY

**PRESENT:** Baltimore, Fay, Joe, Lim, Salinas, Theoharis  
**ABSENT:** Chinchilla

THE MEETING WAS CALLED TO ORDER BY VICE PRESIDENT FAY AT 1:40 p.m.

**STAFF IN ATTENDANCE:** Gerald G. Green, Director of Planning; Larry Badiner, Zoning Administrator; Tina Tam; Elizabeth Gordon; Paul Maltzer; Paul Lord; Catherine Bauman; Joan Kugler; Joy Navarrete; Kelley LeBlanc; Dario Jones; Glen Cabreros; Michael Smith; Dan Sider; Tom Wang; Scott Sanchez; Nora Priego, Transcription Secretary; Linda Avery, Commission Secretary

**A. ITEMS PROPOSED FOR CONTINUANCE**

1. 2001.0336C (S. SNYDER: 558-6543)  
3579 FOLSOM/495 CHAPMAN - at the intersection of Folsom and Chapman Streets. Lot 42 in Assessor's Block 5627 - Request for authorization of a Conditional Use for the creation of one lot with a width of fewer than 25 feet in an RH-1 and an area of less than 1,750 square feet in an RH-1 (House, One-Family) District and a 40-X Height and Bulk District, per Section 121 of the Planning Code, and within the Bernal Heights Special Use District.

Preliminary Recommendation: Disapproval  
(Proposed for Continuance to September 13, 2001) October 4, 2001

**SPEAKER(S):** None

**ACTION:** Continued to October 4, 2001

**AYES:** Baltimore, Fay, Joe, Lim, Salinas, Theoharis

**ABSENT:** Chinchilla

2. 2000.961E<sup>ZC</sup> (TURRELL: 558-5994)  
1101 O'FARRELL STREET - Appeal of a Preliminary Negative Declaration. Assessor's Block 713, Lot 33, and Block 720, Lots 28, 35, 36, and 38. The proposed project involves demolition of the existing 15,000-square-foot, three-story Urban Life Center building, which contains social service and office uses, and construction of a 297,000-square-foot, 240-foot-tall structure with 240 units of senior housing. Approximately 86 on-site below-ground parking spaces would be provided. The project also involves the seismic upgrade of St. Mark's Lutheran Church and relocation of about 5,000 square feet of social services space from the Urban Life Center building to the adjacent Martin Luther Tower. The 80,400-square-foot site is located in an RM-4 (Residential, Mixed: High Density) Zoning District within the Western Addition neighborhood. Lots 28, 35, and 36 of Block 720 are within an 80-B Height and Bulk District; the remainder of the site is within a 240-E Height and Bulk District. The project would require approval of a lot subdivision and merger, a height reclassification, and Conditional Use authorization for a Planned Unit Development. The project would also require a Certificate of Appropriateness for seismic upgrade of St. Mark's Lutheran Church, City Landmark No. 41.

Preliminary Recommendation: Uphold Negative Declaration

(Continued from Regular Meeting of July 12, 2001)

(Proposed for Continuance to September 13, 2001)

SPEAKER(S): None

ACTION: Continued to September 13, 2001

AYES: Baltimore, Fay, Joe, Lim, Salinas, Theoharis

ABSENT: Chinchilla

3. 2000.961E<sup>ZC</sup> (WOODS: 558-6315)  
1101 O'FARRELL STREET - southwest corner of O'Farrell (a.k.a. Starr King Way) and Franklin Streets, Lot 33 in Assessor's Block 713 and Lots 35 and 36 in Assessor's Block 720 - Request to reclassify the existing Height and Bulk Districts of Lots 35 and 36 from 80-B to 240-G; and reclassify the existing Bulk District of Lot 33 from 240-E to 240-G in an RM-4 (Residential, Mixed, High Density) Zoning District. The existing Zoning District would not change. The reclassification is being sought to allow the development of a 240-unit senior housing facility (St. Mark's Square).

Preliminary Recommendation: Adoption of the Draft Resolution for Reclassification

(Continued from Regular Meeting of August 16, 2001)

(Proposed for Continuance to September 13, 2001)

SPEAKER(S): None

ACTION: Continued to September 13, 2001

AYES: Baltimore, Fay, Joe, Lim, Salinas, Theoharis

ABSENT: Chinchilla

4. 2000.961E<sup>C</sup> (WOODS: 558-6315)  
1101 O'FARRELL STREET - southwest corner of O'Farrell (a.k.a. Starr King Way) and Franklin Streets, Lot 33 in Assessor's Block 713, and Lots 35 and 36 in Assessor's Block 720 - Request for Conditional Use Authorization under Sections 253, 303 and 304 of the Planning Code to permit a Planned Unit Development for the construction of a 23-story, 240-foot tall, 240-unit senior housing facility in an RM-4 (Residential, Mixed, High Density) Zoning District and a 240-G Height and Bulk District.

Preliminary Recommendation: Approval with conditions

(Continued from Regular Meeting of August 16, 2001)

(Proposed for Continuance to September 13, 2001)

SPEAKER(S): None

ACTION: Continued to September 13, 2001

**AYES:** Baltimore, Fay, Joe, Lim, Salinas, Theoharis  
**ABSENT:** Chinchilla

5. 2001.0522C (SIROIS: 558-6313)  
965 GENEVA AVENUE - south side of Geneva Avenue between London and Paris Streets, Lot 010 Assessor's Block 6409. Request by Metro PCS for Conditional Use authorization to install a wireless telecommunications facility pursuant to Planning Code Section 712.83 which includes the installation of nine panel antennas, one GPS antenna and equipment cabinets at the Apollo Theater which is located in an NC-3 (Moderate-Scale Neighborhood Commercial) District and a 65-A Height and Bulk District. The subject site is a Preference Location 4.

Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of August 9, 2001)  
**(Proposed for Continuance to October 4, 2001)**

**SPEAKER(S):** None  
**ACTION:** Continued to October 4, 2001  
**AYES:** Baltimore, Fay, Joe, Lim, Salinas, Theoharis  
**ABSENT:** Chinchilla

6. 2000.0023D (SIROIS: 558-6313)  
1187 NOE STREET - east side of Noe Street, between Jersey and 25<sup>th</sup> Streets, Lot 028 Assessor's Block 6537 - Request for Discretionary Review of Demolition Permit Application No.2000/07/10/4707 and Building Permit Application No. 2000/07/10/4705 seeking authorization to demolish an existing two-family dwelling and to construct a new two-family dwelling in an RH-2 (Residential, Two Family House) District and a 40-X height and Bulk District.

Preliminary Recommendation: Pending  
**(Proposed for Continuance to October 25, 2001)**

**SPEAKER(S):** None  
**ACTION:** Continued to October 25, 2001  
**AYES:** Baltimore, Fay, Joe, Lim, Salinas, Theoharis  
**ABSENT:** Chinchilla

7. 2001.0146DD (JONES: 558-6477)  
626-29<sup>th</sup> STREET - north side of 29<sup>th</sup> Street between Castro and Diamond Streets, Lot 009 in Assessor's Block 7536 - Request for Discretionary Review of Building Permit Application No. 2000/08/10/7566 for the new construction of a three-story, single-family dwelling at the front of the lot. The lot currently contains an existing one story, single-family dwelling at the rear of the property located within an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District. This Building Permit is also subject to a front setback variance request.

Preliminary Recommendation: Take Discretionary Review and modify the project.  
**(Proposed for Continuance to October 25, 2001)**

**SPEAKER(S):** None  
**ACTION:** Continued to October 25, 2001  
**AYES:** Baltimore, Fay, Joe, Lim, Salinas, Theoharis  
**ABSENT:** Chinchilla

8. 2001.0290D (SANCHEZ: 558-6679)  
750-38<sup>TH</sup> AVENUE - east side between Balboa and Cabrillo Streets; Lot: 019 in Assessor's Block: 1607 - Staff initiated request for Discretionary Review of Building Permit Application Number 2000/11/16/5873S, proposing to add a fourth floor to a newly

constructed three-story, two-unit building, within an RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and disapprove the project.

**DISCRETIONARY REVIEW WITHDRAWN**

**B. COMMISSIONERS' QUESTIONS AND MATTERS**

9. Commission Matters  
**None**

**C. DIRECTOR'S REPORT**

10. Director's Announcements

*Re: Inclusionary Policy*

- This item was not on the calendar in order to give the Commissioners enough time to look over the information provided to them. Commissioner Baltimore and Commissioner Salinas have requested further information so this is another reason this item is not on today's calendar.

11. Review of Past Week's Events at the Board of Supervisors and Board of Appeals  
**BOS – None** (The Board is on recess)

**BOA – None** (The Board is on recess)

*Re: Yerba Buena Lofts (855 Folsom Street)*

- There was an article in a newspaper stating that the Commission was opposed to this project. This is false information. Mr. Badiner has communicated this information to the newspaper and the newspaper has responded that it was an editing error.

12. Informational Presentation on the Bayview/Hunters Point Community Revitalization Concept Plan by the Bayview Hunters Point Project Area Committee (PAC).

***Following a comprehensive presentation of the Area Plan by members of the PAC, the Commission received public comment:***

**SPEAKER(S):**

**Stanley Muraoka – Project Manager for Bay View Hunters Point and San Francisco Redevelopment Agency**

- There are three existing redevelopment project areas within or adjacent to the survey area in addition to the Hunters Point survey area: Bay View Industrial Triangle, The India Basin Industrial Park and the Hunters Point Naval Shipyard.

- There was an election of a 21-member project area committee. The 34,000 residents of the Bay View Hunters Point community in the 94124 zip code area elected the committee members. The election was conducted by the Department of Elections.

- This committee has been working on a revitalization concept plan.

- He asks the Commission to keep in mind Bay View's community strengths. Bay View Hunter's Point is one of the fastest growing and most ethnically diverse communities in San Francisco.

- The redevelopment plan will work with the Bay View community and the Planning Department to build economic development projects; will work on the creation of affordable and market-rate housing; and will assist with programs to enhance the livability of Bay View Hunters Point.

**Dan Dodt**

- The concept plan is based on direct community involvement.

- The PAC meets once a month as a full body and is organized with 5 officers and 5 standing committees. There are 4 issue committees and an executive committee. The issues committees include housing, land use planning and transportation; health and environment; education, training, and employment; and economic development.
- Three specific goals have been articulated: 1) future revitalization must be guided by and benefit local residents; 2) its character and spirit must be preserved; 3) the physical and ecological environment will be improved.
- The first goal is job creation. The second goal is to improve education, training and employment opportunities for the residents. The third goal is to focus on coordinated investment in high priority areas. The fourth goal is to encourage civic participation through an interactive public process and foster cultural development. The fifth goal is to preserve existing housing as well as increase housing. The sixth goal is to improve the environmental problems and issues. The seventh goal is to improve the physical and transportation issues.
- They are currently in the process of outreach to receive comments and information from the community.

**Mel Washington – Bay View Neighborhood Association**

- He grew up in the Bay View district.
- The community that he represents welcomes opportunities to revitalize this area by attracting new business and new opportunities.
- This plan has the support of the community.
- He hopes that the Commission reads the plan carefully and understands what it means.

**James Martin**

- He has listened through the presentation.
- He was raised in this area and now is raising a family there.
- Many years ago there was no PAC. He has developed his own career and has had an opportunity to come back and help the community he grew up in.
- This area has become multi cultural and he has been helping this area to grow and progress.

**Dorice Murphy – Eureka Valley Trails and Art Network**

- Many of her family members live in the Bay View district.
- There is an enormous need for housing for teachers, firemen, policemen, staff members of the Planning Department, and even Commissioners themselves.
- This area is a wonderful place to live and would welcome housing.

**Anastasia Yovanopolous**

- The amount of housing allocated for this area is really not enough.
- Transportation is of great concern.
- Solution to the environmental problems is one of the most important issues.
- People have the right to breath fresh air and have the right to have transportation.

**Doris Benson**

- She has lived in this area for many years.
- She is asking the Commission to support the presentation they just saw.

**David Crosby**

- This has been a 20 year process.
- The problems in this area have become larger in the last few years.
- The economic thrust is very important here.

**Gary Banks**

- He supports the revitalization concept plan.
- He is a homeowner in this area.
- It is very important for the community to have economic growth and development.
- They had an opportunity to review this plan before it was presented to the community.

**Robin Chang**

- In the past 13 years, the PAC really has reached out to the community.
- This PAC has been the voice to various diverse groups.

**ACTION:** The item is informational only. No action required.

**D. CONSIDERATION OF FINDINGS AND FINAL ACTION -- PUBLIC HEARING CLOSED**

13. 2000.1279C (TAM: 558-6325)  
522-524 CLIPPER STREET - north side between Diamond and Douglass Streets, Lot 9 in Assessor's Block 6545 - Request for Conditional Use authorization under Planning Code Section 121(f) to allow the subject lot to be subdivided into two lots. One of the newly created lots will have a width of 19 feet, which is less than the required 25-foot minimum. The proposal also includes construction of a new four-story, single-family dwelling on the newly created 19-foot wide lot. The property is located in a RH-2 (Residential, House, Two-Family) District and 40-X Height and Bulk District.  
Preliminary Recommendation: Disapproval  
(Continued from Regular Meeting of July 26, 2001)

Note: On July 26, 2001, following public testimony, the Commission closed public hearing and continued the case to August 9, 2001 to allow the project architect to submit revised architectural drawings and to have a representative from the Building Department attend the hearing. The Vote was +6 -0. Commissioner Theoharis was absent.

Note: On August 23, 2001, the Commission passed a motion of intent to approve project by a vote of +5 -0 (Commissioners Fay and Chinchilla were absent) with the following conditions: 1) eliminate top floor; 2) reduce height of the building; 3) report from a tree expert to understand what trees can be save and what procedures are necessary to do so; 4) require the Certificate of Occupancy for the adjacent Victorian be issued prior to the Certificate of Completion for the project; 5) include parking for adjacent Victorian home. Final language 9/6/01.

**SPEAKER(S):** None

**ACTION:**

Approved with the following additional modifications: 1. Final plans for the herein-authorized single-family dwelling shall be reviewed and approved by the staff of the Department of City Planning; 2. The proposed single-family dwelling shall not exceed more than 3 stories in height, measured from the front of the property. 3. A Tree Plan shall be submitted and reviewed by the staff of the Department of City Planning; 4. The Applicant shall obtain a Certificate of Final Completion for Building Permit Number 2001/08/14/5991 to remove all east facing windows and rearrange interior walls; and 5. The Applicant shall record a Notice of Special Restriction to ensure one (1) of the proposed two (2) independently accessible off-street parking spaces on the newly created 19-foot wide lot will be devoted to the existing two-family dwelling at 522-524 Clipper Street.

**AYES:** Baltimore, Fay, Joe, Lim, Salinas, Theoharis

**ABSENT:** Chinchilla

**MOTION:** 16221

**E. REGULAR CALENDAR**

14. 1999.481L (GORDON: 558-6309)  
GOLDEN TRIANGLE LIGHT STANDARDS - area bounded by Market, Mason and Sutter Streets. The Golden Triangle Light Standards line the streets, not including alleys, in the area given above. Consideration of landmark designation and adoption of a resolution recommending landmark designation of the Golden Triangle Light Standards as Landmark No. 233.

Preliminary Recommendation: Adopt a resolution approving landmark designation and recommending that the Board of Supervisors approve the landmark designation.

**SPEAKER(S):** None

**ACTION:** Approved

**AYES:** Baltimore, Fay, Joe, Lim, Salinas, Theoharis

**ABSENT:** Chinchilla

**MOTION:** 16222

15. 2001.0602E (MALTZER: 558-5977)  
PERMANENT INDUSTRIAL PROTECTION ZONE SPECIAL USE DISTRICT - Appeal of Preliminary Negative Declaration for a proposed permanent industrial protection zone Special Use District within a multi-block portion of the City's industrially zoned land, the area generally bounded by the following streets and avenues: Bayshore Boulevard, 26th Street, 25th Street, Iowa, Tubbs, 22nd Street, San Francisco Bay, Islais Creek, Third Street, Evans, Rankin, Phelps, Oakdale, Selby and Helena. Within the Special Use District the provisions of the underlying M-1 and M-2 zoning controls would remain applicable, except that i) no residential or live/work development or conversion to such uses shall be allowed; and ii) no new office development or conversion to office shall be allowed.

Preliminary Recommendation: Reject the appeal and uphold the Department's decision to publish a Negative Declaration.

(Continued from Regular Meeting of August 23, 2001)

**SPEAKER(S):**

**(-) David Cincotta – 1<sup>st</sup> Appellant**

- He is here to talk about the issue of housing and how the negative declaration affects housing.
- He would like to recommend that housing be allowed along the Third Street Light Rail Project.
- He hopes that the Commission will listen to this recommendation.
- If the Commission and/or the Board of Supervisors adopt this recommendation, housing will remain the same.
- This policy would require conditional use permits for any type of use and this is appropriate.
- He hopes that the Commission doesn't loose site of the policy, which would allow housing in this corridor.

**(-) Armon Cooper – 2<sup>nd</sup> Appellant**

- He supports what Mr. Cincotta had to say.
- His interest is as a property owner. He believes that housing should not be prohibited.

**(+) Dorice Murphy**

- She supports housing in the Bay View District.
- The Bay View is in desperate need of staff to help develop this area.
- She spoke to Ms. Espanola Jackson and she is in full support of this policy.

**ACTION:** Negative Declaration Upheld

**AYES:** Baltimore, Fay, Joe, Lim, Salinas, Theoharis

**ABSENT:** Chinchilla

**MOTION:** 16223

16. 2001.0602TZ (LORD: 558-6311)  
INDUSTRIAL PROTECTION ZONE – SPECIAL USE DISTRICT - Consideration of adoption a resolution that imposes zoning controls establishing a Special Use District Industrial Protection/Zone where new residential, live/work and office uses would not be permitted in the area generally bounded by Bayshore Boulevard, Islais Creek, Third Street, Evans Avenue, Rankin Street, Phelps Street, Oakdale Avenue, Selby Street and Helena Street.

Preliminary Recommendation: Approve Resolution adopting Permanent Industrial Protection Zone – Special Use District

(Continued from Regular Meeting of August 23, 2001)

**SPEAKER(S):**

**(-) Casey Moreno**

- He works in the Bay View area.

- He read a letter from Mr. Imperial who was not able to attend the meeting because of disability access.

- He would like the Commission to consider the community outreach that is going on in this area since they will be the ones affected by this decision.

- He would like to have this case continued.

**(+) Stanley Muraoka – Redevelopment Agency**

- On behalf of the agency he would like to thank the Commission and the department for this legislation. It is entirely consistent with the desires and the focus area plan for this district.

- The issue of Home Depot is not before the Commission. Regardless of whether or not this legislation is approved, the matter of Home Depot will come before the Commission at an appropriate time.

**(+) Joseph Smooke – Housing Director of the Bernal Heights Center**

- He would like to propose to the Commissioners an amendment to this legislation.

- He displayed a map of the parcels that are affected by the decision of this item.

- He would like the Commission to allow the community to work together and chart the future of the parcels.

**(+) Father Ignacio De Goot – Pastor of St. Anthony's Church**

- The housing aspect in this area is very critical. They have lost many of their parishioners and many students because these people cannot find homes to live in.

- He urges the Commission to have community input including Bernal Heights.

- Do not limit this to industrial but keep it open to housing.

**(+) Larry Cruz**

- He would like to request the exception of the Bayshore corridor from the IPZ.

- He urges the Commission to allow more time for community input.

- There are points along the Bayshore corridor, which have opposing views.

- Any decision made on the Bayshore corridor will have an impact on Bernal Heights.

- He has lived in Bernal Heights for 13 years and he has not seen so much community input as now.

**(+) Ignacio Nunez**

- He is a Bernal Heights resident and a San Francisco native.

- He would like to request a continuance regarding the Goodwill/Whole Earth Access site.

- Bayshore Boulevard offers a perfect opportunity for both communities (Bernal Heights and Bayview) to come together.

- Her is personally against commercial zoning.

**(+) Gopal Sarin**

- He is an environmental consultant and engineer.

- He assists the Bernal Heights center.

- Bernal Heights Center has done a lot of work regarding the design process, housing and commercial aspects of the area.

- The document that the Bernal Heights Center has prepared is not exciting. It needs a lot of work.

- The area is almost on the shoreline and to protect the shoreline, there should not be too many industrial uses. Housing is needed in the area.

**(+) Ed Myrtle**

- He lives in the Bernal Heights area and would like to have the Bayshore Boulevard corridor be exempt from this legislation.

- Residents of this area are developing a plan for this neighborhood.

- Not much of San Francisco is flat but this area is.

- Mixed use development can include artists space and space for seniors.

**(+) Buck Bagot**

- He opposes the inclusion of Bayshore Boulevard in the IPZ.

- He does agree with the work that the department has been doing in this area.

**(+) Elizabeth Godoy**

- She lives in a one room apartment with her brother and her daughter.

- housing is very expensive in the city.

- She would like to have more housing in this area.

**(+) Kingmond Young**

- He is a Bernal Heights resident.
- Imposing this IPZ along the Bayshore would limit diversity in the area.
- There is a low percentage of people who can afford housing today.
- Multi use can work especially well in this area.
- There are better ways to help this community.

**(+) Silvia Ibarra**

- She is a parishioner of St. Antonio Church.
- She thanks the Commission for listening to her at this late hour of the afternoon.
- She has a daughter who is 9 years old and lives in a very small apartment because she cannot afford a bigger one.
- She would like to remain in the Bernal Heights area and would like the Commission to approve more housing.
- The Commissioners have families so they should understand the needs this community has.
- Maybe Home Depot doesn't understand this but she has faith that the Commission will.
- She thanks the Commission for their attention.

**(+) Mauricio Vela**

- He is a resident of the Bernal Heights area.
- There are many people of this area who are attending this hearing.
- He would like to support the amendment that Mr. Smook recommended to the Commission to continue this proposal or to exempt the Bayshore Corridor from the legislation.
- Bayshore is the zipper of both communities (Bay View and Bernal Heights).
- There could be better uses along Bayshore Boulevard.

**(+) Amy Beinart**

- She has lived in Bernal Heights for 12 years and works for the Bernal Center as a developer for affordable housing.
- The area has potential for stores, offices and housing as well as for production, distribution and repair businesses that would be covered in an IPZ.
- The closing of Whole Earth Access and Goodman Lumber have left large parcels available for development.
- She would like to have the blocks in the amendment be excluded from the IPZ.
- This would allow the residents of Bernal Heights to discuss important issues with the Bay View Hunter's Point PAC.

**(+) Mark Lynch**

- He is a Bernal Heights resident
- It is very clear that there is a sincere effort to revitalize this area yet the Bayshore corridor should be excluded from this proposal.
- He doesn't believe that the folks of Bay View don't care about other families. He would like to have just industrial use along Bayshore.

**(+) Helvina Duarte**

- She lives 4 blocks from St. Anthony's Church.
- She hopes that the Commission will help the residents of this community who are trying to survive because of the high rents.
- She asks the Commission for help for the people who are suffering and are out in the cold because they cannot afford a place to live in.

**(+) Imelda (last name unclear)**

- She is here in support of all those people who cannot afford a place to live.
- She lives in a one bedroom apartment with her family.
- She hopes that the Commission supports affordable housing in this area.

**(+) Sumi Imamoto**

- Everything that happens in the Bayshore corridor concerns her because she lives in the area.
- Any type of development in this area will have an impact on her neighborhood.

- She is concerned about the quality of life not only of the residents but also of the businesses.

- She supports the development of this area.

**(+) Stanley Unite**

- He would like to have the Bayshore area developed for affordable housing.

- He is a World War II Veteran and would like to have a better place to live in.

**(+) Oriana Ides**

- She lives in District 10.

- She would like to request that the Commission exempt the Bayshore corridor from the IPZ.

- She is the mother of a 3-year-old child. Three fourths of her check goes to rent and child care.

- This community needs more housing, childcare facilities, etc.

- Bayshore is not an isolated strip, there is housing there.

**(+) John Daniels**

- He is very concerned about the future of the neighborhood.

- He would like to ask, "What would improve the planning process?"

- The freeways are locked up from the hours of 8 to 10 a.m., and in the afternoons from 2 to 7. It would not be a good thing if a Home Depot is allowed to be there if this area is developed industrial.

**(+) Mary Wings**

- She lives in the Bernal Heights area.

- There are several great commercial sites in this area.

- This would make it really appropriate for housing.

**(+) Rick Gerharder**

- He has concerns about the development of the Goodman Lumber site.

- A mixed-use development would serve better in this area.

- Development of Cortland Avenue is of great concern to the residents also.

- His other concern is the confrontation between the two neighborhoods (Bernal Heights and Bay View).

- He supports the suspension of voting on this issue today.

**(+) Ana D. Manalac-Beltran**

- She opposes this IPZ zone.

- A mixed-use designation for this area is more appropriate and hopes the Commission will support this.

**(+) Laura Fosbender**

- She is a resident of the Bernal Heights area.

- There is very good public transportation in this area so there is a great need for housing

**(+) Jen Laskin**

- She would like to have the Bayshore corridor exempt from the IPZ.

**(+) Bo Walker**

- She supports this amendment since she would like to see the Bayshore corridor more like a Geary Boulevard.

- She hopes that the Commission approves the amendment so there is a mixed use.

**(+) Mary Dorst**

- She would like to have the Bayshore corridor taken out of this policy.

- Bayshore currently has a variety of uses but an IPZ would limit the use.

- Bayshore unites two neighborhoods, she would like for the Commission to let both communities have more time for thorough development of this area.

- A permanent IPZ would limit housing and/or other mixed uses.

- Please remove Bayshore from the IPZ.

**(+) Karen Garrison**

- She would like to have the Bayshore area exempt from an IPZ status.

- This will affect the area forever.

- The senior center provides a lot of services for these residents.

- The center also provides assistance to youth.

**(+) Dorris M. Vincent**

- She is a 41 year resident of the Bay View.
- She has a daughter and her mother living with her.
- She feels that this IPZ needs to be in place for their plan to take affect.
- Third Street is their core center. Although there is a need for housing, there are other pieces of land that can be used for housing.
- There is a need for mixed uses.

**(+) Cristina Cañaveral**

- She is talking on behalf of many seniors who were not able to attend this hearing.
- She would like for this proposal to be approved but to exclude the Bayshore corridor.
- Or continue this proposal to provide enough time for the community to provide their input and develop a thorough plan for this area.

**(+) Rick Harp – Cole Hardware**

- He would like to keep Home Depot out of San Francisco.
- He is also representing the small business communities.
- The neighborhood is not asking for anything in particular.
- 90 days is not too much to ask to have this proposal continued.

**(+) Eric Corpuz**

- He supports the IPZ and that includes Bayshore Boulevard since it should have light industrial and no housing.

**(+) Niema Jones**

- She is a resident of the Bay View and is in support of this item.

**(+) Jim Martin**

- He hopes that the Commission and the residents of San Francisco don't believe that the Bay View is opposed to housing.

- There are many areas that can allow housing

**(+) Dan Dodd**

- He is a 23 year resident of Hunter's Point.
- They are committed to housing along the Third Street corridor and beyond. He welcomes his Bernal Heights neighbors to move to Third Street.
- Establishing a permanent IPZ does not preclude arguments against any particular project.
- The Bay View Hunter's Point PAC has not approved the Home Depot as presently proposed.
- They have invited the Bernal group in the established PAC review process and with their existing outreach process.

**(+) Did not state name.**

- Housing in the Bayshore corridor would not be appropriate since early in the morning there is the noise of forklifts and pallets being dropped. This area should remain industrial.

**(+) Necolious Hooker**

- He would like the Bayshore corridor to remain industrial and have the IPZ approved.

**ACTION:**      **Approved with Recommended Amendments to the Board of Supervisors.**

**AYES:**      Baltimore, Fay, Joe, Lim, Salinas, Theoharis

**ABSENT:**      Chinchilla

**RESOLUTION:** 16224

(BAUMAN: 558-6287)

17. 1999.178TT  
JOB HOUSING LINKAGE ORDINANCE - The Jobs Housing Linkage Program, Section 313 of the City Planning Code, was enacted by the Board of Supervisors in February 2001. The current proposal is an ordinance amending Section 313.5 to change the formula used in the Jobs Housing Linkage Program to determine the number of affordable housing units a housing developer is required to build if an office developer elects to comply with the Jobs Housing Linkage Program Ordinance by payment of money or land to a housing developer.

## Preliminary Recommendation: Approval

## SPEAKER(S):

**(+) Calvin Welsh – Representing Council Community Organizations**

- He forwarded to the Commission a document called Attachment C which has a breakdown of the workforce housing demand by land use, office, research and development, medical, cultural, institutional, retail and hotel. The Jobs Housing Linkage program used to only be involved with hotel, retail, research and development and office.
- Office produces the most jobs for the lowest income workforce.

- He urges the Commission to pass this proposal.

**ACTION:** Approved

**AYES:** Baltimore, Fay, Joe, Lim, Theoharis, Salinas

**ABSENT:** Chinchilla

**RESOLUTION:** 16225

18. 2000.0790E (KUGLER: 558-5983)  
**888 HOWARD STREET - HOTEL AND RESIDENTIAL PROJECT - Public Hearing on the Draft Environmental Impact Report (EIR).** The proposed project would be the construction of a 39-story hotel and residential building of approximately 561,000 sq. ft. with two levels of below-grade parking on the northeast corner of Fifth and Howard Streets (Assessor's Block 3724, Lot 66). The 37,860 sq. ft. site contains an existing surface parking lot with landscaping which is used by the adjacent Wells Fargo Data Center. The hotel portion of the proposed project would contain about 500 rooms along with ancillary support uses such as meeting rooms, restaurants, and retail space. Above the hotel there would be 60 to 70 residential condominiums. The hotel entryway would be on Howard St. while a separate residential entrance would be from Fifth Street. There are two loading docks planned with entrances from Howard Street. The site is located in the South of Market area within the C-3-S (Downtown Commercial Support) District and the 160-F Height and Bulk District.

Preliminary Recommendation: No Action Required.

**Note: Written comments will be accepted at the Planning Department's offices until the close of business on September 18, 2001.**

## SPEAKER(S):

**(+) Quentin Makee – South of Market Anti Displacement Coalition**

- It is hard to imagine that on Page 94 of the report, there is the assumption that there is no negative impact as far as long term growth or the encouragement of growth. There is a level of growth that is not acknowledged in the draft EIR and how it affects local businesses in this surrounding area as well as the low income community on 6<sup>th</sup> Street.
- Another thing that needs to be addressed is the mitigation of \$50,000 to the Department of Parking and Traffic for 7 intersections that have been graded "F."
- Without comprehensive planning, the EIR is missing some of the impacts it can have on local businesses and the local community.

**(-) Jenny Batallones – South of Market Community Action Network.**

- The draft EIR does not address the affects this hotel will have on the surrounding neighborhood.
- She is concerned about the impact this project will have on the low income, people of color, and the Philippino community.
- She urges the Commission to address the community issues.

**(-) Patrice Johnson – South of Market Child Care**

- A project of this magnitude will have an affect on this community.
- A more thorough investigation of this proposal needs to be made.
- This project should be compared to other projects that would have less of an impact.
- More information is needed.

**(-) Richard Marquez – 6<sup>th</sup> Street Agenda**

- They are a low income, SRO organizing advocacy project.

- Everything seems to be blamed on the residents on 6<sup>th</sup> Street.
- The impact on the neighborhood has not even been examined.
- A planned, community-based, comprehensive planning needs to be established here instead of a parcel-by-parcel planning.

(-) Ron Grosshart – 6<sup>th</sup> Street Agenda

- This project will affect the traffic in this area.
- The project does not even address the problems with traffic.
- The height of this project is just too large for the area.
- The EIR should address these issues.

**ACTION:** Public hearing to receive comments from the public and Commissioners.  
No Action Required.

19a. 2000.1140XE

(CHAN: 558-5982)

**1 POWELL STREET – Appeal of a Preliminary Negative Declaration.** Assessor's Block 3530, Lot 6. The proposed project is the seismic upgrading, and expansion of the existing seven-story, Bank of America building, from 90,330 square feet to 101,760 square feet, an increase of 11,430 square feet. The seismic upgrade and expansion would occur within the existing building shell except for filling in the light well on the third through eighth floors. The building, originally the Bank of Italy, was constructed in 1920 and is a Category I building in Article 11 of the San Francisco Planning Code. The building is within the Kearny-Market-Mason-Sutter Conservation District and the Downtown Area Plan. The project site is within a C-3-R (Downtown Retail) District, where office and retail uses are permitted, and is within a 110-X Height and Bulk District. (Continued from Regular Meeting of August 23, 2001)

**SPEAKER(S):**

**Mary Murphy**

*Re: Continuances*

- The person who requested the appeal will be calling the planner to officially withdraw the appeal this coming Monday, September 10, 2001.
- This is the reason why they would like to continue this case to September 13, 2001.

**ACTION:** Without hearing, continued to September 20, 2001

**AYES:** Baltimore, Fay, Joe, Lim, Salinas, Theoharis

**ABSENT:** Chinchilla

19b. 2000.1140XE

(LIGHT: 558-6254)

**1 POWELL STREET** - west side between Eddy and Ellis Streets, Lot 5 in Assessor's Block 330 - Request under Planning Code Section 309 (Downtown Code) for Determination of Compliance to make minor modifications to the ground floor entrance and windows of the subject property to accommodate a retail store, and to seismically retrofit the existing 138-foot tall, seven-story over basement building containing a ground level retail banking office with office uses on the upper floors. The seismic retrofitting will be accomplished by infilling a large light well on the north side of the property with a structural system that will provide proper seismic reinforcement for the building. No Exceptions under Section 309 of the Planning Code are requested by the proposed project. The project is in a C-3-R (Downtown, Retail) zoning district, a 110-X height and bulk district, and in the Kearny-Market-Mason-Sutter Conservation District. The building is rated as a Category I building under the Downtown Plan.

Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of August 23, 2001)

**SPEAKER(S): Same as those listed in item 19a**

**ACTION:** Without hearing, continued to September 20, 2001

**AYES:** Baltimore, Fay, Joe, Lim, Salinas, Theoharis

**ABSENT:** Chinchilla

20. 2000.272ECX (NAVARRETE: 558-5975)  
185 POST STREET - **Certification of Environmental Impact Report.** Assessor's Block 310, Lot 18, the 3,600-square-foot project site, situated within the Kearny-Market-Mason-Sutter Conservation District, is occupied by a vacant six-story-plus-basement structure. The project would involve demolition of a six-story structure on the site and construction of a 10-story, 130-foot-tall building containing approximately 40,000 gross square feet (gsf) including 10,900 square feet of retail space, 6,700 square feet of office and showroom space, approximately 2,170 square feet of publicly-accessible open space, one dwelling unit and 18,500 square feet of other space including mechanical equipment and pedestrian circulation areas. The site is within the C-3-R (Downtown Commercial, Retail) Zoning District and 80-130-F Height and Bulk District.

**Note:** Public comment and testimony is NOT taken by the Planning Commission hearings for certification of Final Environmental Impact Reports. Public comment on this issue may be presented to the Planning Commission during the Public Comment portion of the Commission calendar.

Preliminary Recommendation: Certify Final Environmental Impact Report.

**SPEAKER(S):** None

**ACTION:** EIR Certified

**AYES:** Baltimore, Fay, Joe, Lim, Theoharis, Salinas

**ABSENT:** Chinchilla

**MOTION:** 16226

- 21a. 2000.272CX (LeBLANC: 558-6351)  
185 POST STREET - the southeast corner of Post Street and Grant Avenue, Lot 18 in Assessor's Block 310 - Request for Conditional Use authorization for office use in a C-3-R Zoning District. The project would demolish a six-story structure on the site and construct a 10-story, 130-foot tall building containing approximately 40,000 gross square feet including 10,900 square feet of retail space, 6,700 square feet of office and showroom space, approximately 2,170 square feet of publicly-accessible open space, one dwelling unit and 18,500 square feet of other space including mechanical equipment and pedestrian circulation areas. The office and showroom space would be on floors seven, eight and nine of the building. The Project also requires a determination of compliance and approval of exceptions pursuant to Section 309. See Case 2000.272CX below.

Preliminary Recommendation: Approval with Conditions

**SPEAKER(S):**

**(+) Jim Reuben – Reuben and Alter**

- He has been working with PRADA and the design team for over a year.
- This is the first time he has come to the Commission and staff has given a preliminary recommendation of disapproval.
- This project should and could be approved.
- The project sponsor has raised the base since the draft EIR was issued. The base has been raised by 1 ½ feet to total 9 ½ feet at the corner of Post and Grant and about 10 ½ feet at the store entrances--this alters the perspective of the stores from the street.
- The metallic finish is not shiny or reflective. This finish will change colors throughout the day with the change and the angle of sunlight. The metallic finish is also part of the structural system itself. It will be supporting the vertical and lateral loads.
- This building will provide jobs, enhance property values and will promote the area as a place to do business.

**(+) Rem Coolhouse – Project Architect**

- He is aware of the issues the department has and has tried to address all of them.
- This project is not only compatible with the area but also it will enhance it.

- He displayed photographs of the various buildings of the area to compare the proposed building and explained how this building would be an attractive addition to this area.
- (+) Dione Bowers – SFMOMA – Architecture Design Forum
  - This is a beautiful building and it would add a lot to downtown San Francisco.
- (+) Marcus Rector – Architect and Bookstore owner
  - This is an opportunity for a world-class building.
  - Union Square and Post Street have fine examples of historical buildings. This building would become a landmark.
  - Please approve the project.
- (+) Ellen Magnin Newman – Ellen Newman Associates
  - She has been working in the Union Square area for more than 70 years. She has seen the square grow throughout the years.
  - Many of the buildings in this area as built were not compatible with the existing building.
  - Currently Union Square is being updated to match the variety of buildings that now make the area.
- (+) Mitchell Schwarzer – California College of Arts and Crafts
  - He has been working in the area of architecture for many years.
  - He worked in the Planning Department a few years ago.
  - They would have been delighted to have this architect
  - This building is compatible and harmonious with the area.
- (+) Rica Lakamp – SFMOMA – Architecture Design Forum
  - It has been a great honor to be asked to give her thoughts regarding this project.
  - She hopes that this building will give San Francisco another great looking building.
- (+) Richard Parker – American Institute of Architects
  - Their board of directors has been discussing this project.
  - The entire board of directors approved this project.
  - This building will be a wonderful addition to the San Francisco skyline.
  - This is a new opportunity to move forward regarding design aesthetics.
- (+) David Meckle – College of Arts and Crafts
  - This is the best opportunity to build a building which has one of the most precious materials in the world and do it all the way up the building.
  - Codes like Article 11 are meant for background buildings.
- (+) Andrea Cochran – Arts Commissioner – Civic Design Committee
  - She has seen a lot of mediocre buildings just because they fit the Planning Code. These buildings do not bring vitality to the City.
  - The proposed building is innovative; it's passionate and full of energy. And that is what San Francisco represents.
- (+) Jeff Basinger – Architect student at CCAC
  - He recently moved here from Chicago because San Francisco is such an amazing City.
  - He has a love of the past and a love of the future.
  - He hopes that this building will take us into the 21<sup>st</sup> Century.
  - There is an amazing contrast between the old and the modern.
- (+) Toby Levi – Architect
  - Design guidelines and contextual guidelines are alive and well on a day-to-day basis.
  - She urges the Commission to think of Union Square as something different.
  - The mixture of different building designs is possible.
  - She hopes that the building will be approved.
- (+) Jeannette Etheridge
  - She knows nothing about architecture but she was born and raised in San Francisco and recalls how exciting it is to have a City so vibrant. She would like the same for her children.
- (+) Keith Plymill – Architect
  - He is not here as an architect but as a human being.
  - He came to San Francisco because it is such an exciting City.
  - There is a sense of experimentation here.
  - He hopes that the Commission approves this project.

**(+) Stanley Getti**

- It is not surprising that every turn of the century something exiting is built in this City.
- We are interested in the future.
- He agrees with everything that everyone has said and hopes that the Commission approves this project.

**(-) Frederick P. Furth – The Furth Film**

- He is here to give one simple message. He attempted to get the engineering report on their earthquake study and they refused to give it.
- They (his firm) then hired engineers to do this study and they will be ready to provide a report that states that this building is not earthquake safe.
- The proposed building along with 177 Post, will hit each other if there is a major earthquake and will collapse.
- He suggests that staff see the studies they have done.
- He would like to become part of the peer review panel of this building.

**(-) Dr. Charles Thiel**

- The seismic impact must be resolved.
- The building is unusually high for the support.
- The buildings need to be at least 32 inches apart and not abutted.
- The buildings will collide in an earthquake and will cause a lot of catastrophes.

**(-) Bahman Nourafshan – Post Street Associates**

- He would like to congratulate the architect for a marvelous design but the building is in the wrong place.
- Union Square is the most successful retail area in the world.
- People are speaking about Union Square as if it were dilapidated.

**(-) John Lauer – Grosvenor**

- He owns the building at 180 Post Street.
- He agrees with the Planning Department's recommendation.
- He is not arguing the architectural merits of this building but it could be placed in another location.

**(-) Charles Chase – San Francisco Architectural Heritage**

- He has had an opportunity to review this project.
- They had no conflict with the design but they do have a conflict with the location of the building.
- This project is not appropriate for this district.

**(-) Kay Camozzi – Post and Grant Avenue Flower Stand**

- No one has come to them to get their opinion on the proposed building.
- She would like to be a good neighbor and right now she is being ignored. This building will have a negative impact on her and her business.

**(-) Anthony Hay**

- Homeowner on Post Street.
- He agrees with the recommendation from staff.
- Why isn't PRADA doing this in their own backyard?
- This building will be an obsolete building in a few years.

**ACTION:** Intent to Approve. Final Language: October 4, 2001.

**AYES:** Baltimore, Fay, Joe, Lim, Theoharis, Salinas

**ABSENT:** Chinchilla

- 21b. 2000.272CX (LeBLANC: 558-6351)
- 185 POST STREET - the southeast corner of Post Street and Grant Avenue, Lot 18 in Assessor's Block 310- Request under Planning Code Section 309 for Determinations of Compliance for Building Permit Application No. 2001/05/30/0246S, to construct a building exceeding 75 feet in height, and Request for Exceptions including: (1) an exception to the rear yard requirement as permitted in Code Section 134(d); (2) an exception to ground level wind current standards as permitted in Section 148; (3) an exception to the base height limit in an 80-130-F Height and Bulk District as permitted in Section 263.8, (4) an exception to the required sun access angle (or setback) pursuant to Section 146(b) and

(5) an exception to the freight loading requirements as permitted in Section 161(l). This project lies within a C-3-R (Downtown Retail) District, a 80-130-F Height and Bulk District, and is within the Kearny-Market-Mason-Sutter (KMMS) Conservation District. Because the project site is within that Conservation District, the new building must be compatible in scale and design with the District as set forth in Appendix E of Article 11 of the Planning Code.

Preliminary Recommendation: Disapproval (based on noncompliance with Article 11)

**SPEAKER(S):** Same as those listed in item 21a.

**ACTION:** Intent to Approve. Final Language: October 4, 2001.

**AYES:** Baltimore, Fay, Joe, Lim, Theoharis, Salinas

**ABSENT:** Chinchilla

- 22a. 2000.1215BEKX (MILLER: 558-6344)  
48 TEHAMA STREET - northwest side between First and Second Streets, Assessor's Block 3736, Lots 84 and 85, within a C-3-O(SD) (Downtown Office-Special Development District) and a 200-S Height and Bulk District - Request under Planning Code Section 309 for Determination of Compliance for a building exceeding 75 feet in height and for the granting of exceptions to the Planning Code requirements for (1) rear-yard area (Section 134) and (2) ground-level wind currents (Section 148), with respect to a proposal to construct a new building, approximately 194 feet in height (with an additional 21 feet of mechanical equipment for a total height of up to 216 feet), containing a total floor area of 67,750 gross square feet, with a gross floor area under Planning Code Section 102.9 of 59,750 gross square feet. The building would include up to 49,300 square feet of office space and up to 10,500 gross square feet of residential space divided into three dwelling units (on the top three floors). The project would provide approximately seven off-street parking spaces.

Preliminary Recommendation: Approval with Conditions

**SPEAKER(S):** None

**ACTION:** Without hearing, continued to September 13, 2001

**AYES:** Baltimore, Fay, Joe, Lim, Salinas, Theoharis

**ABSENT:** Chinchilla

- 22b. 2000.1215BEKX (MILLER: 558-6344)  
48 TEHAMA STREET - northwest side between First and Second Streets, Assessor's Block 3736, Lots 84 and 85, within a C-3-O(SD) (Downtown Office-Special Development District) and a 200-S Height and Bulk District - Request for authorization of Office Space in excess of 25,000 square feet but less than 50,000 square feet under Section 321 of the Planning Code to permit construction of new office space, not to exceed 49,300 square feet under Section 321 of the Planning Code.

Preliminary Recommendation: Approval with Conditions

**SPEAKER(S):** None

**ACTION:** Without hearing, continued to September 13, 2001

**AYES:** Baltimore, Fay, Joe, Lim, Salinas, Theoharis

**ABSENT:** Chinchilla

23. 2001.0598C (JONES: 558-6477)  
1844-1850 IRVING STREET - northeast corner of the intersection of Irving Street and 20<sup>th</sup> Avenue, Lots 025 and 027 in Assessor's Block 1731 - Request for Conditional Use authorization to allow the installation of nine (9) panel antennas, one (1) GPS antenna, and associated equipment cabinet on the 1<sup>st</sup> floor of an existing mixed-use building as part of a wireless telecommunication network preference level 2, pursuant to Planning Code Section 711.83, in an NC-2 (Small-Scale Neighborhood Commercial) District and a 105-A Height and Bulk District. As per the City and County of San Francisco's Wireless

Transmission Services (WTS) Facilities Siting Guidelines the proposal is a Location Preference 2 (Co-Location Site).

Preliminary Recommendation: Approval with conditions

**SPEAKER(S):**

**(+) Debra Stein**

- She would like to thank the planner for his excellent staff report.
- They are available to answer any questions Commissioners might have.

**(-) Rosaleen Adams**

- There were 26 people who wanted to attend this hearing who are against this item but were not able to attend.

**ACTION:** Approved

**AYES:** Baltimore, Fay, Joe, Lim, Theoharis, Salinas

**ABSENT:** Chinchilla

**MOTION:** 16227

24. 2001.0329CEK (CABREROS: 558-6169)  
2315 VAN NESS AVENUE - west side, between Green and Vallejo Streets in an RC-3 (Residential-Commercial Combined, Moderate Density) District and an 80-D Height and Bulk District, Lot 003 in Assessor's Block 0551 - Request for Conditional Use Authorization under Planning Code Section 253 for construction of a building exceeding a height of 40 feet in an R (Residential) District. The proposed building will contain 8 dwelling units over ground floor parking.

Preliminary Recommendation: Approval with conditions

**SPEAKER(S):**

**(+) Alice Barkley**

- She has submitted a lengthy brief to the Commissioners. She is available for questions.
- In her supplemental letter, she mentioned Mrs. Shena as opposing this project but it is actually Mrs. Ong.

**ACTION:** Approved

**AYES:** Baltimore, Fay, Joe, Lim, Theoharis, Salinas

**ABSENT:** Chinchilla

**MOTION:** 16228

25. 2001.0581C (SMITH: 558-6322)  
1633-37 TARAVAL STREET - south side of the street between 26th and 27th Avenues, Lot 041 in Assessor's Block 2399 - Request by Sprint PCS for Conditional Use Authorization under Planning Code Section 711.83 to install two antennas on the rooftop and five equipment cabinets in the garage of a mixed-use building located in a NC-2 (Small-Scale Neighborhood Commercial) District and 65-A Height and Bulk District. As per the City and County of San Francisco's *Wireless Transmission Services (WTS) Siting Guidelines*, the subject site is a Location Preference 5 (Mixed Use Building in High Density District).

Preliminary Recommendation: Approval with Conditions

**SPEAKER(S):**

**(+) Jennifer Estes – Representing Sprint PCS**

- This application meets all the requirements of the WTS Guidelines, the Code, and the Federal Communications Commission.
- It is visually unobtrusive
- There is a faux vent pipe on the back that will contain 2 sectors as well as 1 parapet antenna.
- They did analyze other sites but were not able to find a better-preference site.
- There were two community meetings and 259 notices were sent out in 3 languages to tenants, owners and community organizations.

- Three people attended the first meeting and no one attended the second meeting.
  - (-) **Robert de Nies**
  - He and his niece never received a notice regarding this project.
  - He is opposed to this project because there is a school in close proximity of where these antennas will be placed.
  - Also, he did not agree with the way the notices were sent out.
  - (-) **Yunji de Nies**
  - There is a pre-school, Lincoln High School and various parks that are close to where this antenna will be installed.
  - She read two statements from an art studio and a yoga studio that are against this project.
  - She did not receive any notice regarding this project.
  - (-) **Rosaleen Adams**
  - She has a petition from 30 neighbors who are against this project.
  - She is against this project because of health reasons.
- ACTION:** Continued to October 4, 2001 to allow the Project Sponsor to conduct further neighborhood outreach and conduct at least 2 more neighborhood meetings.
- AYES:** Baltimore, Fay, Lim, Theoharis, Salinas  
**NAYES:** Joe  
**ABSENT:** Chinchilla

26. 2001.0212C (SIDER: 558-6697)  
**901-933 BAYSHORE BOULEVARD** - southeastern corner of Silver Avenue; Lot 062 in Assessor's Block 5402 - Request for Conditional Use Authorization to allow (1) new construction on a parcel with a gross lot area over 4,999 square-feet pursuant to Planning Code Sections 710.11 and 121.1, and (2) establishment of a non-residential use with a gross floor area in excess of 2,999 square-feet pursuant to Planning Code Section 710.21 and 121.2 in an NC-1 (Neighborhood Commercial Cluster) District with a 40-X Height and Bulk Designation. The project site is a 16,090 square-foot vacant lot. The proposal is to construct a 4-story building providing up to 9,305 square-feet of neighborhood-serving commercial or retail space on the ground level, 40 units of senior housing on the upper three levels, and 28 parking spaces within a below-grade parking garage.

Preliminary Recommendation: Approval with conditions.

**SPEAKER(S):**

**(+) Dan Sullivan – Representing Project Sponsor**

- They have worked hard in order to lessen the noise from the freeway and high traffic volumes in the neighborhood.
- The project sponsor is more than willing to provide the 10% requirement for affordability and work with the Mayor's Office of Housing.

**ACTION:** Approved as amended: there will be no general advertising signs on the building.

**AYES:** Baltimore, Fay, Joe, Lim, Theoharis, Salinas

**ABSENT:** Chinchilla

**MOTION:** 16243

## F. DISCRETIONARY REVIEW HEARING

At Approximately 4:30 PM the Planning Commission convened into a Discretionary Review (DR) Hearing to hear and act on Discretionary Review matters.

27. 2001.0123DD (CABREROS: 558-6169)  
2252 BEACH STREET - north side between Baker and Broderick Streets, Lot 009C in Assessor's Block 0915 - Requests for Discretionary Review of Building Permit Application No. 2000/10/20/3640 proposing to add a full third story (approximately 2,000 square feet), a three-story rear addition extending to the required rear yard line, and a one-story extension with deck above projecting into the rear yard as a permitted obstruction to an existing one-story over garage, single-family residence in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve the plans with modifications.

(Continued from Regular Meeting of August 16, 2001)

**SPEAKER(S):** None

**ACTION:** Continued Without Hearing to September 13, 2001

**AYES:** Baltimore, Fay, Joe, Lim, Theoharis, Salinas

**ABSENT:** Chinchilla

28. 2001.0705DD (NIKITAS: 558-6306)  
2258 BEACH STREET - north side between Baker and Broderick Streets, Lot 009D in Assessor's Block 0915 - Requests for Discretionary Review of Building Permit Application No. 2000/04/25/8211, proposing to add a prefabricated solarium ("greenhouse") on a second-story rear deck. The existing building is two-story over garage and rooms down, single-family residence in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve plans as submitted.

**SPEAKER(S):** None

**ACTION:** Continued Without Hearing to September 13, 2001

**AYES:** Baltimore, Fay, Joe, Lim, Theoharis, Salinas

**ABSENT:** Chinchilla

29. 2001.0065D (WANG: 558-6335)  
2 UPLAND DRIVE - northwest corner of Upland Drive and Darien Way; Lot 003 in Assessor's Block 3275A - Request of Discretionary Review of Building Permit Application No. 2000/12/14/7910 to construct a third story vertical addition, relocate the current main entrance to the house and create habitable rooms on the ground floor, at the existing one-story over garage, single-family dwelling in an RH-1(D) (Residential, House, One-Family, Detached Dwelling) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

**SPEAKER(S):**

**(-) Art Fung -**

- He lives 4 houses away from subject property.
- The DR requestor could not come to the hearing so he will be representing him.
- There is a petition from 26 neighbors who oppose this project.
- He displayed photographs of the streetscape and the homes in the neighborhood in order to show that the homes in the neighborhood are not larger than 4 bedrooms.
- He disagrees with the staff findings.

**(-) Alfredo Jordan**

- He has a list of neighbors who are opposed to the project.
- He is opposed to this project since he believes that this house will become a rental.
- There will be traffic problems on an already congested street.

**(-) Kathy Reichardt**

- She is opposed to the project since the neighborhood character will not be preserved.
- She is also concerned about the height of the project.

- She was not given any notification of this project.

**(-) Rhoda Singer**

- She is against this project because it will block the light coming into her bedroom.

**(-) Charles Washington**

- He lives in front of the proposed construction.

- He will have the sunlight of his home blocked.

**(-) Loren Christensen**

- He is opposed to this project since it will block the light from his home and his chimney will no longer work.

**(-) Cynthia Mitchell**

- She and her husband are opposed to the third story.

- She is also against the 7 bedrooms and 5 baths. A house of this size will have several persons of driving age.

- She is concerned about the safety on the street because of the increase in cars.

**(-) Alfred Jordan**

- He is opposed to this project because a home of 7 bedrooms and 5 baths is not in accordance with the other homes in the neighborhood.

- This project would block light to adjacent homes.

- There will be more traffic problems on the street.

- He believes that this house will become a rental.

**(-) John Madden**

- He is opposed to this project because the house will have 7 bedrooms and 5 baths, he has stayed at bed and breakfast inns that have had less rooms.

**(-) Daniel Rodriguez**

- He will lose another hour or so of sunlight if this project is approved.

- He is against the 3<sup>rd</sup> Story. He knows that there has been a lot of construction work done without permits on the proposed project.

**(-) Noreen Rodriguez**

She is opposed to this project. She is concerned about the aesthetics of the neighborhood.

- This project will be incompatible with the rest of the homes.

- A seven bedroom and 5 bath home leads you to believe it will be multi-unit living. This is very suspicious.

**(-) Louis F. Reichardt, Ph.D.**

- He has lived in the neighborhood for many years. During those years several of his neighbors have made additions and have had construction work done to their homes but they have kept the work within the guidelines of the neighborhood.

- This project will negatively impact the neighborhood.

- He knows that much of the work done to this house was been done without a permit.

**(+) Jeremy Paul**

- He is finding out a lot of things he did not know.

- There is a lot of misinformation.

- He would like to ask the Commission for time to be able to address the questions and concerns.

- The pictures shown seemed to carefully exclude corner lots.

- There were many changes made to this project.

- The top story was set back. The entrance to the basement from the street has been removed from the plans. The bedroom count is misleading. This is for use as a single family home.

- He believes that there is a problem with the rear stair. He understood that he was here to represent a fully-coded project but it appears that it is not.

- This house--as it is currently--is far more out of character with the surroundings than the house that is being proposed.

**ACTION:** Took Discretionary Review and Disapproved the Project.

**AYES:** Baltimore, Fay, Joe, Lim, Theoharis, Salinas  
**ABSENT:** Chinchilla

30. 2001.0702D (SANCHEZ: 558-6679)  
2590 PINE STREET - northeast corner at Scott Street; Lot: 017 in Assessor's Block: 0656 - Staff initiated request for Discretionary Review of Building Permit Application Number 2001/04/12/6725S, seeking to reduce the number of dwelling units of an existing building from four (4) to two (2) within an RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project as revised.

**SPEAKER(S):**

(+) David Cincotta

- He is thankful to the planner for a great report.

- This building is just so cut up and broken up that it cannot be operated.

(+) Christy Mitchum

- This house was originally a single-family home.

- The units they plan to remove were done illegally.

- This project will bring the building up to current code.

- A historic home will be preserved if this project is approved.

**ACTION:** Did not take Discretionary Review with the following revision:  
acceptance of the affordable housing unit offered by the sponsor.

**AYES:** Baltimore, Fay, Joe, Lim, Theoharis, Salinas

**ABSENT:** Chinchilla

**F. PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

NONE

Adjournment: 9:42 p.m.

**THE DRAFT MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, NOVEMBER 15, 2001.**

**ACTION:** Approved  
**AYES:** Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis  
**ABSENT:** Fay

3/01

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

DOCUMENTS DEPT.

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, September 13, 2001

NOV 16 2001

SAN FRANCISCO  
PUBLIC LIBRARY

1:30 PM

Regular Meeting

**PRESENT:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis  
**ABSENT:** None

THE MEETING WAS CALLED TO ORDER BY VICE PRESIDENT FAY AT 1:45 p.m.

**STAFF IN ATTENDANCE:** Gerald G. Green, Director of Planning; Larry Badiner, Zoning Administrator; Amit Gosh; Paul Maltzer; Craig Nikitas; Nonie Turrell; Mary Woods; Jim Miller; Michael Smith; Ricardo Bressanutti; Glenn Cabreros; Dan Sirois; Judy Martin; Jonathan Purvis; Dan Sider; Matt Snyder; Pete Vollmann; Nora Priego, Transcription Secretary; Linda Avery, Commission Secretary

**A. ITEMS PROPOSED FOR CONTINUANCE**

1. 1999.423B (M. SNYDER: 575-6891)  
699 - 2nd STREET - "the California Warehouse", northeast corner of 2nd and Townsend Streets, Lot 4 in Assessor's Block 3789 - Request for authorization under Planning Code Sections 320-325 (Office Development Limitation Program) to establish 49,500 gross square feet of new office use in an SSO (Service, Secondary Office) District, a 50-X Height and Bulk District, the South End Historical District, and a Mixed Use Housing Zone (as designated in Planning Commission Resolution 14861).  
Preliminary Recommendation: Approval with conditions  
(Continued from Regular Meeting of August 16, 2001)  
(Proposed for Continuance to September 20, 2001)

**SPEAKER(S):** None

**ACTION:** Continued to September 20, 2001

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

2. 2000.723ABC (M. SNYDER: 575-6891)  
639 - 2nd STREET - east side between Brannan and Townsend Streets, Lot 5 in Assessor's Block 3789 - (1) Request for new office use authorization under Planning Code Section 320-324 (Office Development Limitation Program) to allow for the construction of 49,500 gross square feet of new office use; (2) request for Conditional Use authorization under Planning Code section 818.14 to construct nine dwelling units in an SSO (Service/Secondary Office) District; (3) request for a Certificate of Appropriateness from the Planning Commission to allow new construction in the South End Historic District; (4) request for a Rear Yard Modification per Planning Code Section 134(e) from the Zoning Administrator; and (5) request for an Exposure Variance per Planning Code Section 140 from the Zoning Administrator. The property is within an SSO (Service, Secondary Office) District, a 50-X Height and Bulk District, the South End Historic District, and a Mixed-use Housing Zone (as designated in Planning Commission Resolution 14861).

Preliminary Recommendation: Approval with conditions  
(Continued from Regular Meeting of August 16, 2001)  
**(Proposed for Continuance to September 20, 2001)**

**SPEAKER(S):** None

**ACTION:** Continued to September 20, 2001

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

3. 2001.0642CR (VELLVE: 558-6263)  
1000 OCEAN (AKA 11 PHELAN – SAN FRANCISCO FIRE DEPARTMENT STATION #15) - north side between Phelan and Plymouth Avenues, Lot 001, Assessor's Block 3180 - Request for Conditional Use authorization pursuant to Sections 234.2 and 711.83 of the Planning Code to install a total of three panel antennas on the tower of an existing two-story, publicly-used structure (a fire station) and related equipment at ground level within a P (Public) and an NC-2 (Small-Scale Neighborhood Commercial) Zoning District, and within 40-X and 65-A Height and Bulk Districts respectively. The fire station and proposed antennas/related equipment are located within the portion of the lot zoned as a P District. The subject site is a Location Preference 1 (Preferred Location – Publicly-Used Structure).

Preliminary Recommendation: Approval with conditions  
**(Proposed for Continuance to October 4, 2001)**

**SPEAKER(S):** None

**ACTION:** Continued to October 4, 2001

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

4. 2001.0642CR (VELLVE: 558-6263)  
1000 OCEAN (AKA 11 PHELAN – SAN FRANCISCO FIRE DEPARTMENT STATION #15) - north side between Phelan and Plymouth Avenues, Lot 001, Assessor's Block 3180 – General Plan Referral pursuant to Sections 234.2 and 711.83 of the Planning Code to install a total of three panel antennas on the tower of an existing two-story, publicly-used structure (a fire station) and related equipment at ground level within a P (Public) and an NC-2 (Small-Scale Neighborhood Commercial) Zoning District, and within 40-X and 65-A Height and Bulk Districts respectively. The fire station and proposed antennas/related equipment are located within the portion of the lot zoned as a P District. The subject site is a Location Preference 1 (Preferred Location – Publicly-Used Structure).

Preliminary Recommendation: Finding of conformity with the General Plan.  
**(Proposed for Continuance to October 4, 2001)**

**SPEAKER(S):** None

- ACTION:** Continued to October 4, 2001  
**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis
5. 2000.0173C (LIGHT: 558-6254)  
500 FRANCISCO STREET (A.K.A. 401-499 BAY STREET & 501-599 BAY STREET) - north side of Francisco Street between Mason Street and Columbus Avenue; Lot 1 in both Assessor's Blocks 42 and 43 - Request for a Conditional Use Authorization of a planned unit development to demolish an existing 229-unit public housing complex (North Beach Housing Project) and replace it with a mixed use development that would include approximately 360 affordable housing units, about 48 of which would be senior housing units; a child care center for up to 38 children; a computer learning center; ground floor retail uses; incubator office space for businesses operated by project residents and community-serving businesses; and approximately 330 below grade parking spaces. The proposed project would include about 338,000 square feet of residential space, about 4,000 square feet for the child care center, about 8,000 square feet for the computer learning center and other community space, and approximately 20,000 square feet of commercial space, in an RM-3 (Residential, Mixed, Medium Density) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Hearing of August 16, 2001)  
(Proposed for Continuance to October 4, 2001)
- SPEAKER(S):** None  
**ACTION:** Continued to October 4, 2001  
**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis
6. 2001.0327C (WOODS: 558-6315)  
2038 CLEMENT STREET - north side between 21st and 22nd Avenues, Lot 32 in Assessor's Block 1412 - Request for Conditional Use authorization under Section 717.39 of the Planning Code to demolish an existing two-story building containing retail on the ground floor and two dwelling units on the second floor and construct a new, four-story building containing three parking spaces on the ground floor and three dwelling units above the ground floor in the Outer Clement Street Neighborhood Commercial District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Pending  
(Continued from Regular Hearing of August 9, 2001)  
(Proposed for Continuance to October 11, 2001)
- SPEAKER(S):** None  
**ACTION:** Continued to October 11, 2001  
**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis
7. 2001.0552C (SIROIS: 558-6313)  
4610 MISSION STREET - north side of Mission Street, between San Juan Avenue and Norton Street, Lot 003 Assessor's Block 3206 - Request for Conditional Use Authorization to install a wireless telecommunications facility pursuant to Planning Code Section 712.83, which includes the installation of eight panel antennas, one GPS antenna and associated equipment cabinets in an NC-3 (Moderate-Scale Neighborhood Commercial) District and a 65-A Height and Bulk District. The subject site is a Preference Location 4.  
Preliminary Recommendation: Pending  
(Continued from Regular Meeting of August 16, 2001)  
(Proposed for Continuance to October 11, 2001)
- SPEAKER(S):** None  
**ACTION:** Continued to October 11, 2001

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

8. 2000.1217C (DiBARTOLO: 558-6291)  
1100-1126 POLK STREET (AKA: 1092 POST STREET) - northeast corner of Post and Polk Streets; Lot 12 in Assessor's Block 692 - Request for Conditional Use authorization to allow amplified live and recorded music (defined as "Other Entertainment" by Planning Code Section 790.38) in an existing bar, d.b.a. The Lush Lounge, as required by Planning Code Section 723.48 in the Polk Street Neighborhood Commercial Zoning District and a 130-E Height and Bulk District.  
Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of August 16, 2001)  
**(Proposed for Continuance to October 11, 2001)**

**SPEAKER(S):** None

**ACTION:** Continued to October 11, 2001

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

## B. COMMISSIONERS' QUESTIONS AND MATTERS

9. Consideration of Adoption - draft minutes of July 19, 2001.

**SPEAKER(S):** None

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

10. Commission Matters

**None**

## C. DIRECTOR'S REPORT

11. Director's Announcements

**None**

12. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

**BOS** – None (The Board is still on recess).

At the next Board of Supervisors hearing scheduled for September 24, 2001, the following case will be heard: 4501 Irving Street – Conditional Use to construct a multiple family residential structure, 4 stories in an NC-1 district.

**BOA** – 255 San Marcos – a building permit where the Commission took DR and denied the permit +5-0 because the modifications to the building were not in character with the neighborhood and the building had been listed in the 1976 Survey as a modern art building and that it was not in character with the existing structure. The BOA overturned the Commission's decision stating that there had been a lot of subdivisions over the years and that this permit was appropriate with the neighborhood.

13. 2308 FUNSTON AVENUE - east side, north of Taraval Street, Assessor's Block 2341, lot 39 – Requesting direction to staff regarding enforcement of conditions of approval of Planning Commission Motion No.11613 (Case No. 88-618S), which approved a General Plan referral for a two-lot subdivision with a condition requiring preservation of all on-site trees, in a RH-1(D) Residential, House, One-Family Detached) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Concur with arborist recommendation

**SPEAKER(S):** None

**ACTION:** Meeting Held. Commission concurred with staff recommendation. No vote taken.

**D. CONSENT CALENDAR**

14. 2001.0371Q (MASSEHIAN: 558-6363)  
2134 GREEN STREET - north side between Fillmore and Webster Streets, Lot 6 in Assessor's Block 0540 - Request approval of a six-unit residential condominium conversion subdivision in an RM-1 (Residential, Mixed) District and a 40-X Height and Bulk District. The proposal is to change the existing building to a condominium form of ownership and does not involve expansion, alteration, or demolition of the existing building.

Preliminary Recommendation: Approval

**SPEAKER(S):** None

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

**MOTION NO.** 16229

**E. REGULAR CALENDAR**

15. 2000.541E (KUGLER: 558-5983)  
350 BUSH STREET - OFFICE DEVELOPMENT - **Certification of the Final Environmental Impact Report** prepared for a proposed office project on Assessor's Block 269, Lots 2, 2a, 3, 22, 24, 25, 26, the approximate middle third of the block between Bush, Pine, Kearny and Montgomery Streets. The proposed project which would have frontages on both Bush and Pine Streets would be a 250-foot-high (19 stories), 400,000 square foot (sq.ft.) office building that would incorporate the historical San Francisco Mining Exchange Building (San Francisco Landmark No.113). The proposed office tower would be set back from the Bush Street façade of the Mining Exchange Building. The project as proposed would contain 360,000 sq.ft. of office use, 7,270 sq.ft. of retail use and 32,730 sq.ft. of parking as 100 subsurface parking spaces. Four existing buildings (465-469 Pine St., 451-453 Pine St., 447 Pine St., and 441-443 Pine St.) would be demolished. The project site is located in the Financial District of downtown San Francisco in the C-3-O Zoning District and a 250-S Height and Bulk District.

**Please Note:** The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on July 5, 2001. The Planning Commission does not conduct public review of Final EIRs. Public comments on the certification only may be presented to the Planning Commission.

Preliminary Recommendation: Certify EIR.

**SPEAKER(S):** None

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

**MOTION NO.** 16230

- 16 2000.541EAHTKBCX (NIKITAS: 558-6306)  
350 BUSH STREET – Office Development Determination of compliance with Section 295 of the Planning Code restricting shadow on land under the jurisdiction of the Recreation and Park Department. A proposed office project on Assessor's Block 269, Lots 2, 2a, 3, 22, 24, 25, 26, the approximate middle third of the block between Bush, Pine, Kearny and Montgomery Streets, would cast shadow on St. Mary's Square, a protected property. The proposed project would be a 250-foot-high (19 stories), 400,000 square foot (sq.ft.) office building that would incorporate the historical San Francisco Mining Exchange Building (San Francisco Landmark No.113). The project sponsors

propose to convey space on the roof of the building at 500 Pine St, contiguous to and at the elevation of the Square, to be developed as park land, to the City, increasing the area of and sunlight available to the enlarged St. Mary's Square. The project site is located in the Financial District, in the C-3-O Zoning District and a 250-S Height and Bulk District.

Preliminary Recommendation: Find that the project complies with Section 295, contingent on acceptance by the City of an agreement to design, develop and convey the land at the roof of 500 Pine St.

**SPEAKER(S):** None

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

**MOTION NO.** 16231

17. 2000.961EZCKS (TURRELL: 558-5994)

**1101 O'FARRELL STREET - Appeal of a Preliminary Negative Declaration.** Assessor's Block 713, Lot 33, and Block 720, Lots 28, 35, 36, and 38. The proposed project involves demolition of the existing 15,000-square-foot, three-story Urban Life Center building, which contains social service and office uses, and construction of a 308,395-square-foot, 240-foot-tall structure with 240 units of senior housing. Approximately 85 on-site below-ground parking spaces would be provided. The project also involves the seismic upgrade of St. Mark's Lutheran Church and relocation of about 5,000 square feet of social services space from the Urban Life Center building to the adjacent Martin Luther Tower. The 80,400-square-foot site is located in an RM-4 (Residential, Mixed: High Density) Zoning District within the Western Addition neighborhood. Lots 28, 35, and 36 of Block 720 are within an 80-B Height and Bulk District; the remainder of the site is within a 240-E Height and Bulk District. The project would require approval of a lot subdivision and merger, a height reclassification, and Conditional Use authorization for a Planned Unit Development. The project would also require a Certificate of Appropriateness for seismic upgrade of St. Mark's Lutheran Church, City Landmark No. 41.

Preliminary Recommendation: Uphold Negative Declaration

(Continued from Regular Meeting of September 6, 2001)

**SPEAKER(S):**

**(-) Gaylan Workman – First Unitarian Church**

- He submitted an appeal because the project will be a tower of concrete that will place a large shadow on his church.
- He is definitely not opposed to constructing a senior center but this (the structure) will create a very negative impact on the church.

**(-) Dolores Perez-Priem – First Universal Church**

- Her concerns to the project will be the increased traffic and the parking problems on an already problematic corridor.
- Children that come to the Unitarian Church will be impacted by this project since they will have to navigate on a street that already has a lot of traffic.
- She would like the Negative Declaration to provide more information on the adverse affects of traffic and parking.

**(-) Michael Tomas – First Universal Church**

- The report has many inaccuracies. The report states that his church provides parking for their members--this is not true.
- Exiting from their garage will be quite difficult if there is an increase in traffic. This problem is not stated in the transportation study.

**(-) Thad Smith – First Universal Church**

- He is not against senior housing.
- It is not unreasonable to have competition for disabled parking.
- He would like the report to have a more thorough study regarding the parking impact.

**(-) Alex Darr – First Universal Church**

- He understands that change is inevitable but the project will negatively impact the surrounding neighbors.

- He would like to have a public restroom installed as one of the conditions of this project.

**(-) Bernard Chodan – San Francisco Tomorrow**

- There are several things that can be done to decrease the impact.

- Expert urban designers should view this project and the report.

**(-) Betsy Dar – First Unitarian Universal Church**

- She would like an Environmental Impact Report be done since this project will negatively impact the courtyard on her church.

**(-) Gregory Meyer – First Unitarian Universal Society**

- He has some familiarity with CEQA.

- He has read and analyzed the report and feels that a full Environmental Impact Report be conducted.

- He would like to work with St. Marks and be able to talk about a better design of the project.

**(-) Karen Langsley – First Unitarian Universal Society**

- She has children who attend Sunday School at the church.

- She doesn't understand why the Planning Department does feel that an environmental impact report is not warranted.

- Traffic is very much a problem in this area.

- She would like the Commission to order an Environmental Impact Report.

**(-) Michael Hoefer**

- He has lived in the area for about 20 years.

- He has observed how the quality of life for people who live in this area has decreased.

- This is an already congested area regarding traffic.

- It will be extremely difficult for an ambulance or a police car to travel on this street.

- This study does not really go into the details of the traffic study.

**(-) Monica Duque**

- She lives directly across from the project.

- This project will impact the neighbors very negatively.

- The development will bring unwanted traffic and noise.

- This project will not only cause a shadow on her unit but also on the entire complex and this will increase her utility bills.

**(-) Janet Pettis**

- She lives directly across from the project.

- The traffic in this area is already a problem and this project will increase this problem.

- People in her building do not have parking available as it is.

**(+) John Clawson – Equity Development Builders**

- Most of the comments have been addressed in the appeal.

- The housing project provides services for seniors and it will have the lowest parking requirement of any use.

- They are more than satisfying the demands.

- There will be 8 to 12 deliveries per week. The truck access can be accommodated on Franklin Street. These trucks will be small.

- They have done significant studies regarding the shadow impacts.

**(+) Kate White**

- Everyone in this City should support affordable housing.

- She is a member of the housing coalition and they have fully endorsed this project.

- She hopes to grow old in this City and be able to live in a housing project like this one.

**(+) Bob Planthold**

- He would like to have the Commission determine that there is no significant environmental impact from this project.

- There are playgrounds, which are fully covered in fog.

- This project will be located in a transit rich area, many seniors use more public transportation than drive their own cars so he doesn't believe that this project will cause a negative impact to the surrounding areas.

**(+) Jeff Heller – Project Architect**

- He has had a lot of experience with senior housing.
- About 10% of the seniors living here will have cars so he doesn't believe that there will be a negative impact.
- He understands that neighborhood concerns are always an issue as well as changes.

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

**MOTION NO.** 16232

18a. 2000.961EZCKS (WOODS: 558-6315)

1101 O'FARRELL STREET - southwest corner of O'Farrell (a.k.a. Starr King Way) and Franklin Streets, Lot 33 in Assessor's Block 713 and Lots 35 and 36 in Assessor's Block 720 - Request to reclassify the existing Height and Bulk Districts of Lots 35 and 36 from 80-B to 240-G; and reclassify the existing Bulk District of Lot 33 from 240-E to 240-G in an RM-4 (Residential, Mixed, High Density) Zoning District. The existing Zoning District would not change. The reclassification is being sought to allow the development of a 240-unit senior housing facility (St. Mark's Square).

Preliminary Recommendation: Adoption of the Draft Resolution for Reclassification  
(Continued from Regular Meeting of September 6, 2001)

**SPEAKER(S):**

**(+) Rev. Jan Womer – St. Mark's Lutheran Church**

- Since the Gold Rush, St. Mark's congregation has been a part of the changing landscape of San Francisco.
- The current project will allow seismic upgrade and additional senior housing at St. Mark's Square.

**(+) Co-Pastor Elizabeth Ekdale – St. Mark's Lutheran Church**

- For over 152 years the church has served the wider community of San Francisco.
- Housing for seniors is critical in San Francisco.
- They will continue and expand the church's ministry.
- There will be 48 units of designated affordable housing for seniors.
- This project enables them to retrofit their 106 year-old church and be able to expand community services from all of their facilities at St. Mark's Square.

**(+) Jeffrey Heller – Heller Manus Architects**

- He gave a PowerPoint presentation on the location, design and merits of the project.

**(+) John Clawson – Equity Community Builders**

- The first speaker stated many of the project benefits as well as protecting a landmark church.
- This project provides support services.
- Affordable housing is the key word for this project.
- The operating cost of senior housing is a lot more expensive than regular housing.
- They have had extensive community outreach.
- They have received a large number of letters in support.
- They need to support the mission of their church and preserve this landmark.

**(+) Walter Johnson – AFL-CLO**

- The City needs housing for seniors.
- There is also a need for assisted living for these seniors.
- This project will provide a lot of good things.
- This project is for real people and even though these people are seniors they do have a future.

**(+) Bob Platbold**

- He would like the Commission to approve this project without modifications.

**(+) Ron Miguel – Housing Action Coalition**

- They fully endorse this project.
- This is a win, win, win project. It's a win on housing; it's a win on retrofit of a historic church and a win for seniors.

**(+) Ed Michael**

- He is not a member of the church but lives in the tower.
- He was a member of the Planning staff many years ago.
- For over 150 years St. Mark's Square has embodied the spirit of giving, even in trying times.

**(-) Galen Workman – First Unitarian Universalist Society of San Francisco**

- They are concerned with the zoning and lot modifications.
- He is also concerned with the height of the tower.
- They ask that the Planning Department not allow zoning changes to the area.

**(-) Monica Duque**

- She lives on Franklin Street with her husband.
- The overall qualities of life in the apartment complex will significantly deteriorate.
- The proposed development will bring unwanted traffic and parking problems to the area.
- It will make it quite difficult for garbage and emergency vehicles to travel on the street.
- Everyone is talking about the seniors but what about the neighbors?

**(-) John Rutherford – First Unitarian Universalist Society**

- St. Mark's Square has been a good neighbor for many years.
- The problem here is that this project and its design will result in the loss of 10 units in Martin Luther Tower.
- The rest of the units will rent at market rate or above. The developer estimates they will be somewhere between \$3,000 and \$5,000 a month per unit.

**(-) Rachel Balyeat – First Unitarian Universalist Society**

- She opposes the height and bulk of this tower.
- This will have a negative effect on their congregational church that is economical, physical and spiritual.
- The courtyard provides light and heat to the interior of their church and this project will cause a significant shadow.

**(-) Michael Thomas – First Unitarian Universalist Society**

- This project has significant traffic impacts.
- Please consider the alternatives.

**(-) John Donaldson – First Unitarian Universalist Society**

- He displayed photographs of their church depicting how sunlight comes into the church to illuminate it as well as pictures of people gathering in the courtyard.
- This project will cast a significant shadow on both their church and courtyard.

**(-) Paulett Taggart – First Unitarian Universalist Society**

- This project will cast a significant shadow onto their sanctuary.
- The proposed tower goes above the height limit of the area. The proposal to change the height limit zoning should be denied.
- She supports new housing but the height of the building is too much.

**(-) Bernie Choden – San Francisco Tomorrow**

- (The majority of his text is unclear). The speaker expressed that he is against the project.

**(-) Lois Scott**

- She was the project planner for the 1990 Residence Element and it's affordability components. She feels very strongly about them.
- She is concerned that this project is being allowed to double count its affordable housing units.
- She is concerned about the affordability and the loss of existing affordable housing.

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, and Theoharis

**MOTION NO.** 16233

- 18b. 2000.961EZCKS (WOODS: 558-6315)  
1101 O'FARRELL STREET - southwest corner of O'Farrell (a.k.a. Starr King Way) and Franklin Streets, Lot 33 in Assessor's Block 713, and Lots 35 and 36 in Assessor's Block 720 - Request for Conditional Use Authorization under Sections 253, 303 and 304 of the Planning Code to permit a Planned Unit Development for the construction of a 23-story, 240-foot tall, 240-unit senior housing facility in an RM-4 (Residential, Mixed, High Density) Zoning District and a 240-G Height and Bulk District.  
Preliminary Recommendation: Approval with conditions  
(Continued from Regular Meeting of September 6, 2001)

**SPEAKER(S):** Same as those listed in item 18a.

**ACTION:** Approved as amended by Zoning Administrator

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, and Theoharis

**MOTION NO.** 16234

- 19a. 2000.1215BEKX (MILLER: 558-6344)  
48 TEHAMA STREET - northwest side between First and Second Streets, Assessor's Block 3736, Lots 84 and 85, within a C-3-O(SD) (Downtown Office-Special Development District) and a 200-S Height and Bulk District - Request for authorization of Office Space in excess of 25,000 square feet but less than 50,000 square feet under Section 321 of the Planning Code to permit construction of new office space, not to exceed 49,300 square feet under Section 321 of the Planning Code.  
Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of September 6, 2001)

**SPEAKER(S):**

**(+)** Andrew Junius – Reuben and Alter

- Displayed diagrams and aerial photos of the location and specifications of the project.
- This project will be specifically for small businesses.

**(+)** Clara Camora – Project Architect

- She displayed photographs of the project and explained the details of the architectural design of the building.

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, and Theoharis

**MOTION NO.** 16235

- 19b. 2000.1215BEKX (MILLER: 558-6344)  
48 TEHAMA STREET - northwest side between First and Second Streets, Assessor's Block 3736, Lots 84 and 85, within a C-3-O(SD) (Downtown Office-Special Development District) and a 200-S Height and Bulk District - Request under Planning Code Section 309 for Determination of Compliance for a building exceeding 75 feet in height and for the granting of exceptions to the Planning Code requirements for (1) rear-yard area (Section 134) and (2) ground-level wind currents (Section 148), with respect to a proposal to construct a new building, approximately 194 feet in height (with an additional 21 feet of mechanical equipment for a total height of up to 216 feet), containing a total floor area of 67,750 gross square feet, with a gross floor area under Planning Code Section 102.9 of 59,750 gross square feet. The building would include up to 49,300 square feet of office space and up to 10,500 gross square feet of residential space divided into three dwelling units (on the top three floors). The project would provide approximately seven off-street parking spaces.  
Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of September 6, 2001)

**SPEAKER(S):** Same as those listed for item 19a.

**ACTION:** Approved

**AYES:** Baltimore, Fay, Joe, Lim, Salinas, and Theoharis

**NAYES:** Chinchilla  
**MOTION NO.** 16236

20. 2000.581C (SMITH: 558-6322)  
455 & 457 BUENA VISTA AVENUE EAST - east side of the street between Upper Terrace and Park Hill Avenue, Lot 270 (formerly Lots 059 & 060) in Assessor's Block 2607- Request for Conditional Use Authorization for dwelling unit density at a density ratio of one dwelling unit per 1,000 square feet of lot area per Planning Code Section 209.1(h) to construct one four unit building in a RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of August 16, 2001)

**Note:** On August 16, 2001, the Commission continued this matter to September 13, 2001 in order to request the attendance of a DBI representative and the engineer who prepared the demolition report by a vote +6 -0. Public hearing remained open. Commissioner Theoharis was absent

**SPEAKER(S):** None

**ACTION:** Continued Without Hearing to September 20, 2001

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, and Theoharis

21. 2001.0278C (BRESSANUTTI: 575-6892)  
23-25 BARTLETT STREET - east side between 21st Street and 22nd Street, Lot 60 in Assessor's Block 3616 - Request for Conditional Use authorization to build a new five-story, approximately 49-foot-tall, three-unit residential building on an existing vacant lot, with three parking spaces at the ground floor, a two-bedroom unit on each of the second and third floors, and a three-bedroom unit on the fourth and fifth floors, requiring Conditional Use for a building exceeding a height of 40 feet in an R District per Section 253, and for new market rate housing per the Mission District Interim Zoning Controls, in an RH-3 (Residential, House, Three-Family) District and a 50-X Height and Bulk District.  
Preliminary Recommendation: Approval with modifications

**SPEAKER(S):**

**(+) Zed Morad – Project Sponsor**

- His family is providing badly needed housing that is affordable.
- The height should be resolved in favor of this project since it will provide housing for middle-income families.
- He hopes that the Commission will approve his project.
- He spoke to everyone in the neighborhood and everyone supported his project.

**(+) Toby Levy – Project Architect**

- There are various affordable housing projects along this street.
- The design of the project involves the various heights of adjacent buildings.
- She displayed a photo of the design of the project.
- If they were to lose the fourth floor, they would have to design another unit but it would be only one bedroom.

**(+) Midge Santora**

- She lives next door to the proposed project.
- She supports this project as it is.
- She would just like to request not to have windows on her side of the building.

**ACTION:** The Commission approved the project as proposed by the sponsor.

**AYES:** Baltimore, Chinchilla, Fay, Lim, Salinas, and Theoharis

**NAYES:** Joe

**MOTION NO.** 16237

**F. DISCRETIONARY REVIEW HEARING**

At Approximately 6:04 PM the Planning Commission convened into a Discretionary Review (DR) Hearing.

22. 2001-0123DD (CABREROS: 558-6169)  
**2252 BEACH STREET** - north side between Baker and Broderick Streets, Lot 009C in Assessor's Block 0915 - Requests for Discretionary Review of Building Permit Application No. 2000/10/20/3640 proposing to add a full third story (approximately 2,000 square feet), a three-story rear addition extending to the required rear yard line, and a one-story extension with deck above projecting into the rear yard as a permitted obstruction to an existing one-story over garage, single-family residence in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve the plans with modifications.

(Continued from Regular Meeting of September 6, 2001)

**SPEAKER(S):**

**(-) Bob Chan**

- He acknowledges the hard work of the Planning Director and the Planner.
- He feels bad that they couldn't resolve the issues involved. The issues that they were not able to resolve were the light and air issues.
- He displayed a model, which displayed the scale of the proposed project compared to his house and that of his neighbors. The purpose of this is to show how the proposed project will block 73% of light onto his son's bedroom.
- He asks that a side setback of 5 feet on the second and third floor in order to provide more light onto his house.

**(-) Gains Maloney – Attorney**

- He thanks the Commission for allowing the continuances since they believed they would be able to come to an agreement.
- The proposed alternative number 2 doesn't really give Mr. Chan all that he asked for or the project sponsor but it seems like a reasonable solution.
- This alternative also preserves a two-story façade.
- This creates a reasonable building envelope for the Ikeda's.

**(-) Larry Paul – Project Architect**

- The issues here are massing, light and air.
- Alternative number 2 is a reasonable one for everyone.
- Mr. Chan's suggestion of a setback would decrease the impact of a shadow.

**(-) Paul Laberge – Day Light Consultant**

- If the project is approved, the Garcia's will be affected in the morning and the Chan's are affected in the afternoon regarding decrease in daylight.
- He displayed photos of how the homes will be affected during morning and afternoon sunlight and during spring solstice and Winter solstice.

**(+) Lisa Ikeda**

- Because of their expanding family, they are planning to make an addition to their home where they have lived for 13 years.
- They were sensitive to the Chan's and Garcia's recent addition.
- Her mother-in-law was disabled last year and this is the reason they need to make an appropriate design for a handicap person. Her doctor suggested that she live close to her and her husband.
- If the top floors are setback, it would create a design that does not follow the neighborhood design guidelines.

**(+) Clyde Ikeda**

- His neighbor is asking for unreasonable requests.
- They have met with neighbors over 20 times. Every time they have tried to deal with issues and suggest compromises.
- Fifty-five neighbors support their project.

- The light study has erroneous information and that is the reason the why the Planning Department suggested continuance on previous hearings. Unfortunately, the information is not correct.

(+) **Bill Willers**

- He displayed photographs of how the light study is not correct.

(+) **Bruce Oka**

- He knows that from personal experience, accessibility to his mother's house is very difficult since he is disabled.

- The key issue is to be able to take care of the mother-in-law.

- Handicap accessibility should be more important than the design of the house.

- People should be able to take care of their parents.

- Health and safety is more important than aesthetics.

(+) **Ernestine Weiss**

- She opposes any Discretionary Review and any modifications.

- The Ikeda family needs to be able to make improvements to their home.

(+) **Bob Planthold**

- He urges the Commission not to take Discretionary Review.

- If the downstairs isn't accessible, it will isolate a person and the family is not together.

- Space is needed to get around any structure, any room and any unit.

(+) **Aldo Rossetto**

- He supports this project.

- He displayed photos of additions made throughout the neighborhood.

(+) **Anne Rossetto**

- She is in full support of this project.

- Mrs. Ikeda is in a wheelchair and deserves the right to be able to have proper accessibility to this house.

- There are certain requirements for a home to have if someone is in a wheelchair.

(+) **Jim Green**

- He has been a good neighbor to the Ikeda's and they have been good neighbors to him.

- He hopes the Commission will approve this project.

(+) **Mary Bulota - Architect**

- She has worked with Mrs. Ikeda on affordable housing projects.

- They have managed various homes, which have been converted to handicap accessibility.

- She strongly supports the Ikeda application.

(+) **Lisa Gelfand**

- This is a very consistent, modest and appropriate addition.

- In order for Mrs. Ikeda to be able to continue serving the community, they need a home that can serve them.

- The light report is not appropriate and it has misinformation.

(+) **Gene Tepper**

- She is a neighbor of the Ikeda's.

- She urges the Commission to allow the good wishes of the neighborhood and approve the plans as submitted.

(+) **Bill Willers - Project Architect**

- The staff recommendation seems to have changed because of the shadow study.

- The study is false.

- Mr. Garcia's windows have full sunlight throughout the day.

- The impact of alternative number two is not reasonable.

(+) **Tucker Benton**

- When he thinks of the rain and the amount of fog on Beach Street, there are not that many days where they can enjoy sunlight.

- He supports the Ikeda's plans without modifications.

(+) **John Milano**

- Beach Street--in a seven house row--five out of those seven have made additions to their homes.

- Everyone has had their projects supported.

- The addition the Ikeda's are proposing is a reasonable one.

(+) Joe O'Donaghue

- He has neither a professional business nor a political relationship with the Ikeda's.
- Because of earlier projects, you are tying the hands of this project. This project should be given the same rights that have been given to the other projects.
- He doesn't agree with staff's recommendation.

(+) Nancy Bouton

- She lives on Beach Street

- There have been many changes throughout the Marina.

- She doesn't understand why the Ikeda's have not been allowed to go forward with their project.
- Why are others not required to have setbacks but the Ikedas are?

(+) Diane Nishikawa

- She supports the addition proposed by the Ikeda's

- The Ikeda's give so much to their community.

- She is shocked and dismayed at what is happening today. This is why people cannot afford to live in this City and are moving to the suburbs.

(+) Terry Dillard

- She supports the proposed construction.

- She displayed pictures of how Mr. Chan's property causes a shadow onto adjacent buildings.

- Over the last four years, there has only been construction going on from Mr. Garcia's house and no one has complained.

(+) Denny Carlin

- He agrees with the previous speaker who stated that the neighborhood doesn't get much sunlight anyway.

- This project is not out of scale.

(+) Millie Valdez

- She supports the project since it will provide appropriate living for a disabled person.

(+) Ed Dillard

- His grandchildren will be 7<sup>th</sup> generation San Franciscans.

- They are not people that move away from the City.

- Once their family increased, their homes increased.

- His daughter's family provides assistance to the St. Vincent de Paul Society.

(+) John Wilkinson

- He supports this project.

- His family is planning an addition to his home in the near future so he knows what the Ikeda's are going through.

- People with disabilities deserve the right to live in an appropriate home.

(+) Dr. John Dillard

- He supports this project and agrees with everything the previous speakers have said.

(+) Jan Dillard

- She supports this project.

- She feels that her niece's mother-in-law should be able to live with them instead of a nursing home.

- She believes that our parents can live much longer if they live with their families.

(+) Anita Sanchez

- She supports this project.

- The project meets with all the code requirements.

- She has had to deal with elderly parents and believes that they live better with their families.

(+) Steve Pamerantz

- He supports the project.

- He used to work for the telephone company and has experience in the public policy arena.

- When it comes to a matter of safety, this becomes a priority over everything.
- He hopes that the Commission takes this into consideration.

**(+) Stanley Hellman**

- He is not an architect, a lawyer or a planner.
- He met Mr. Ikeda in Guatemala where he was working with his medical team.
- These are good honest people and hopes that the Commission approves the extension to their house.

**(+) Mark Levil – Structural Engineer**

- There are fiscal impacts imposed by side setbacks. They are costly. His fee would increase by about 20 to 25%.
- He displayed a diagram of a floor plan.

**(+) Norm Bouton**

- He lives on Beach Street.
- There is no consistency with building levels of the homes in the neighborhood.
- The Ikeda's are the kind of people that he would like to remain in the neighborhood.

**ACTION:**

The Commission took discretionary review and approved the project with modifications offered in alternative two as recommended by the Department. They instructed staff to obtain revisions to the building permit application to achieve the following: 1) the depth of the proposed third floor, measured from the front property line, shall be set back 15 feet; 2) the stepped interior of the third floor shall be eliminated to produce an overall lower roofline; 3) parapets shall be eliminated on the roof; 4) setbacks, 3-feet wide each, shall be provided on both sides of the proposed third floor for a depth of 44 feet from the front property line; 5) at the northeast corner of the proposal, a 3-foot wide side setback shall be provided at the second and third floors for a depth of 10 feet from the proposed rear wall.

**AYES:** Baltimore, Chinchilla, Fay, Salinas, and Theoharis

**NAYES:** Lim

**ABSENT:** Joe

23. 2001.0705DD (NIKITAS: 558-6306)
- 2258 BEACH STREET - north side between Baker and Broderick Streets, Lot 009D in Assessor's Block 0915 - Requests for Discretionary Review of Building Permit Application No. 2000/04/25/8211, proposing to add a prefabricated solarium ("greenhouse") on a second-story rear deck. The existing building is two-story over garage and rooms down, single-family residence in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
- Preliminary Recommendation: Do not take Discretionary Review and approve plans as submitted.
- (Continued from Regular Meeting of September 6, 2001)

**SPEAKER(S):**

**(-) Norman Bouton – 1<sup>st</sup> DR Requestor**

- He lives on Beach Street.
- He has received various notices of neighbors who have done construction to homes. He has never objected to these projects.
- In June, he received a notice of permit application for a deck--something that had already been completed at Mr. Garcia's home.
- There have been various projects Mr. Garcia has done to his home and not applied for permits.

**(-) Lisa Ikeda – 2<sup>nd</sup> DR Requestor**

- Their concern is that Mr. Garcia is able to do things that the other neighbors are not allowed to do, for example build without permits.
- They have been living in their house for the past 12 years. This deck is a brand new deck, which is adjacent to their property.
- Mr. Garcia's architect has drawn the deck as if it were an existing deck.
- There isn't a consistent or an equitable process.

- They filed this DR because they felt that the process should be honored. Mr. Garcia has never contacted them.

- They were concerned when the new deck was extended. They feel that it would be best that the planning process be fair.

**(-) Bob Planthold**

- He recommends rejecting the staff recommendation and supports taking Discretionary Review.

- How can a new addition be allowed since it's inconsistent and larger than the permit?

**(-) Nancy J. Bouton**

- She lives on Beach Street.

- She would like to have the Commission check on the reality of what is going on and how unhappy the neighbors are and have been because of this project.

**(-) John Milano**

- He supports taking a Discretionary Review.

- Mr. Garcia has not been a good neighbor and throughout his project, he has not offered any good neighbor gestures.

**(-) Jean Tepper**

- She lives on Jefferson Street.

- She is concerned about the matter in which Mr. Garcia has handled all the work at his home.

- Mr. Garcia is going to create less air in the back yard.

- The parapet will create very little shade into Mr. Garcia's greenhouse.

- There should be some consequences for people who take the law into their own hands.

**(-) Marla Silveri**

- She lives on Baker Street.

- Mr. Garcia's project has gone on for many years and she never received any notice about this.

- Mr. Garcia has glass blocks throughout his house. He has made it so difficult for his neighbors to make additions to their homes.

**(+) Larry Paul – Project Architect**

- He has been working on the project for slightly less than 3 years.

- All projects have been done in a timely fashion.

- Throughout the projects, Mr. Garcia has not received any phone calls in opposition.

- This greenhouse does not have a negative impact on the neighbors. The glass will not be reflective.

- All the construction that has been done to Mr. Garcia's home has been done with permits.

**ACTION:** Take Discretionary Review and (1) disapprove deck and greenhouse extension to 12 feet in depth; (2) allow deck & greenhouse 9 feet deep as approved by the Board of Appeals.

**AYES:** Baltimore, Chinchilla, Fay, Lim, Salinas, and Theoharis

**ABSENT:** Joe

24

2001.0525DDD (SIROIS: 558-6313)  
1489--5TH AVENUE- west side of 5<sup>th</sup> Avenue, between Kirkham Street and Judah Street, Lot 022, Assessor's Block 1848 - Request for Discretionary Review of Building Permit Applications 2001/02/23/2854 and 2001/02/23/2857 proposing the demolition of a single-family dwelling, and construction of a two-unit residential building in an RH-2 (Residential, Two Family House) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and approve project with conditions.

(Continued from Regular Meeting of August 16, 2001)

**SPEAKER(S):**

**(-) Al Rosen – 1<sup>st</sup> DR Requestor**

- He submitted a petition that 150 people signed who are against the project.
- Besides the scale of the building, his other issue is neighborhood character.
- The proposal will intrude into his rear yard.
- There is a core of long-term residents. These residents believe that they should protect the stability of the neighborhood.

**(-) Eugene Salazar – 2<sup>nd</sup> DR Requestor**

- There is a shadow and light affect, which will be cast on their house because of the proposed project.
- They have an atrium, which will be blocked from sunlight.

**(-) Pam Duffy – Representing 3<sup>rd</sup> DR Requestor**

- She passed several summaries regarding this project to the Commissioners.
- The proposal will be the biggest unit on the block.
- They are asking for a modest request, which has been rejected.

**(-) Stephen Arkin**

- He has lived on 5<sup>th</sup> Avenue since 1986.
- His issue is regarding the character of the neighborhood.
- He is not opposed to having new housing in the neighborhood but there should be respect for truth, character and scale.

**(-) Ila Bentzman**

- She has lived in the neighborhood for 32 years.
- She does not object to the need for a two unit home but the scale will tower over the other structures in the neighborhood.
- The proposed project will threaten a tree at her neighbor's house since there will be deep excavation.
- This project will also affect the light coming into her home and her privacy.

**(-) Marshall R. Bentzman**

- His concerns are with changing the character of the neighborhood and the scale, height and size of this project.

**(-) Marysia Springenberg**

- She has lived on 6<sup>th</sup> Avenue for 33 years.
- This is the first time she has been against a construction project in her neighborhood.
- She will be impacted by this building because her yard will not receive any light during the winter months.
- She is also concerned with the scale of the project since there will be 4 units instead of 2. She fears that these units will become rental units.
- This project will be too overwhelming for the neighborhood.

**(-) Susan McGuire**

- She has lived on 6<sup>th</sup> Avenue for 25 years.
- She agrees with the comments of her neighbors.
- Parking is a problem in this neighborhood.
- A proposed two unit building should consider the impact on parking in this neighborhood.

**(+) Alice Barkley – Representing Project Sponsor**

- There are only two, two-story buildings on the entire block face.
- The proposed project is almost identical in height to the DR requestor's home.
- The proposed project will not intrude into the rear yard corridor.
- There will be no impact on light since the project is on the north side of Mr. Rosen's house.

**(+) Leo Cassidy**

- He is in support of the project.

**(+) Joe O'Donaghue**

- He supports this project since it's a modest construction.

**ACTION:** Take Discretionary Review and approve with modifications: The project is to be 11'-8" shorter and the 1<sup>st</sup> floor stairs are to be brought up to code.

**AYES:** Baltimore, Chinchilla, Fay, Lim, Salinas, and Theoharis

**ABSENT:** Joe

25. 2001.0766D (MARTIN: 558-6616)  
426 BRANNAN STREET - north side between 3rd and 4th Streets, Lot 015 in Assessor's Block 3776 - Mandatory Discretionary Review for a full-service restaurant (Brickhouse Cafe) to serve alcohol per Resolution No. 14844 (South End Districts --Ballpark Area Permanent Controls Discretionary Review Policy) within the SLI (Service/Light Industrial) District/Ballpark Special Use District and 50-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the Brickhouse Cafe's application for an Alcoholic Beverage License Type 41 (on-sale beer and wine).

**SPEAKER(S):**

(+) David Simonsmeyer – Owner

- He is trying to be open in the evenings and serve beer and wine.

**ACTION:** Do not take Discretionary Review and approve project.

**AYES:** Baltimore, Chinchilla, Fay, Lim, Salinas, and Theoharis

**ABSENT:** Joe

26. 2001.0709D (PURVIS: 558-6354)  
245 CONNECTICUT STREET - east side between 18th and Mariposa Streets; Lot 24 in Assessor's Block 4003. Mandatory Discretionary Review of Building Permit Application No. 2001/04/25/7660 to merge two dwelling units into one within an RH-3 (Residential, House, Three-Family) Zoning District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the merger.

**SPEAKER(S):**

(+) Kitty Quin Friel

- They bought the property with the intention of converting it back into a single family home.

- There was a tenant in the upstairs unit. When they purchased the property, the tenant mentioned that he was planning to move to Marin within a period of 6 months.

- They plan to have her husband's parents move in with them.

- Her husband's sister lives on Connecticut Street as well.

(+) Kathy Stannard Friel

- She and her husband have lived on Connecticut Street for 18 years.

- Several members of her family live near by.

- The entire family has always taken care of each other.

- Her dad is getting frail and will need help soon.

- Although her parents will be living at her brother's house, the entire family will be able to take care of them.

(+) Jane Wyatt

- She lives next door to the Friel's.

- She represents the other neighbors who support this merger.

- She hopes that the Commission will approve this project.

**ACTION:** Do not take Discretionary Review and approve project.

**AYES:** Baltimore, Chinchilla, Fay, Lim, and Salinas

**NAYES:** Theoharis

**ABSENT:** Joe

27. 2001.0594DD (SIDER: 558-6697)  
1009 GUERRERO STREET - east side between 22<sup>nd</sup> and Alvarado Streets, Lot 019 in Assessor's Block 3633 - Requests for Discretionary Review of Building Permit Application Number 2001.03.29.5536 to change the legal use of ground level commercial space from 'Retail Sales and Services' (Planning Code Section 710.40) to 'Full Service Restaurant'

(Planning Code Section 710.42) in an NC-1 (Neighborhood Commercial Cluster) District with a 40-X Height and Bulk designation. No physical modifications are proposed under this permit application. One request for Discretionary Review has been initiated by a member of the public and the other is a mandatory Discretionary Review for a change of use within the Mission District, pursuant to Board of Supervisors Resolution No. 518-01. Preliminary Recommendation: Take Discretionary Review by approving the project as proposed and recording a Notice of Special Restrictions on the property.

**SPEAKER(S):****(+) Miriam Cantor – Guerrero Neighborhood Association**

- Her neighborhood is saturated with restaurants.
- She is very happy to say that the owners of this restaurant have been willing to sit down and negotiate with the representatives of the association and with her and her roommate.
- They have come to an amicable and workable agreement about their concerns.
- She hopes that the Commission will approve the special conditions suggested in the staff report.

**(+) Raymond Raymond**

- He has participated in various planning processes in San Francisco.
- He hopes that the Commission approves the use of this particular store front.

**ACTION:** Take Discretionary Review and approve with recording of NSR.**AYES:** Baltimore, Chinchilla, Fay, Lim, Salinas, and Theoharis**ABSENT:** Joe

28. 2001.0596DDDDDD (CABREROS: 558-6169)  
760 EL CAMINO DEL MAR - north side between Lake Street and 30th Avenue, Lot 2C in Assessor's Block 1307. Requests for Discretionary Review of Building Permit Application Nos. 2000/1130/6911 and 2000/1130/6904 proposing to demolish an existing single-family house and construct a new 12,032 square-foot single-family house. The new house is proposed to be two stories in height (26'-6" from grade to top of parapet) at its street frontage with two additional below-grade levels exposed at the rear of the house on a down sloping lot. The project site is within an RH-1(D) (Residential, House, One-Family, Detached) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

**SPEAKER(S):** None**ACTION:** Continued without hearing to October 11, 2001**AYES:** Baltimore, Chinchilla, Fay, Lim, Salinas, and Theoharis**ABSENT:** Joe

29. 2001.0729D (M. SNYDER: 558-6891)  
112 LIBERTY STREET - between Dolores and Guerrero Streets, Lot 043 in Assessor's Block 3607 – Request for Discretionary Review of Building Permit Application Number 2001/03023336 proposing to construct a three-story addition at the rear of the house, raise the house by 18 inches, and make other minor modifications in an RH-2 (Residential, House, Two-Family) District, a 40-X Height and Bulk District, and the Liberty Hill Historic District.

Preliminary Recommendation: Do not take Discretionary Review

**SPEAKER(S):****(-) Gloria Malone – DR Requestor**

- She thanks the Commission for staying so late.
- She is opposed to this project because it will block the view from her bedroom and she will lose her privacy.

**(+) Genie Frez**

- The house is in need of repair so they would like to update it to meet the needs of modern family living and bring it up to the character of the Liberty Hill district.
- They have designed a moderate addition.
- They are removing the bay window that looks into her neighbor's home. There will be no windows on that side of the house.

(+) Christopher Frez

- In their proposal there will be no bay windows on the side of the house. There will be no windows on the west side of the building.
- The DR requestor's privacy will greatly be improved.
- The proposal will greatly restore the historical contribution of Liberty Hill.

**ACTION:** Do not take Discretionary Review and approve project.

**AYES:** Baltimore, Chinchilla, Fay, Lim, Salinas, and Theoharis

**ABSENT:** Joe

30. 2001.0712D (VOLLMANN: 558-6405)  
1080-1082 FILBERT STREET - north side between Jones and Leavenworth Streets, Lot 018 in Assessor's Block 0093. The proposal is to merge a two unit building into a single-family home. This building permit application (No. 2001/07/09/3150) is subject to a Staff-Initiated Discretionary Review action for Dwelling Unit Merger per Commission Resolution No. 16078. The subject property is located in an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District  
Preliminary Recommendation: Do not take Discretionary Review and approve the building permit as submitted.

**SPEAKER(S):**

(+) Alice Barkley – Representing Project Sponsor

- The project sponsor lives in a small unit. They will need a larger unit after their second child is born.
- The unit that is currently occupied will become a rental unit.
- She urges the Commission to approve the merger.

(+) Christine Knight

- They are looking forward to the Commission approving the merger since this will allow their family to live in a larger place and remain in the City.

**ACTION No. 1:** Do not take Discretionary Review and approve project.

**AYES:** Baltimore, Fay, Lim

**NAYES:** Chinchilla, Theoharis, Salinas

**ABSENT:** Joe

**RESULT:** The motion failed to carry. The matter was continued to September 20, 2001 to allow the absent commissioner (Commissioner Joe) to participate.

**F. PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**NONE**

Adjournment: 10:55 p.m.

**THE DRAFT MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, NOVEMBER 8, 2001.**



5  
0/01

# SAN FRANCISCO PLANNING COMMISSION



## Meeting Minutes

DOCUMENTS DEPT.

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, September 20, 2001

1:30 PM

NOV 16 2001

SAN FRANCISCO  
PUBLIC LIBRARY

### Regular Meeting

PRESENT: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis  
ABSENT: None

THE MEETING WAS CALLED TO ORDER BY VICE PRESIDENT FAY AT 1:35 p.m.

STAFF IN ATTENDANCE: Gerald G. Green, Director of Planning; Larry Badiner, Zoning Administrator; Pete Vollmann; Michael Smith; Rick Crawford; Adam Light; Matt Snyder; Nora Priego, Transcription Secretary; Linda Avery, Commission Secretary

#### A. ITEMS PROPOSED FOR CONTINUANCE

1. 2001.1190C (SANCHEZ: 558-6679)  
2801-2825 CALIFORNIA STREET - southwest corner at Divisadero Street; Lot 001 in Assessor's Block 1028 - Request for Conditional Use authorization pursuant to Section 711.83 of the Planning Code to install a total of three antennas and GPS receiver on the roof with related connection to an equipment shelter within the basement of an existing three-story, mixed-use building, as part of Sprint PCS's wireless telecommunications network within an NC-2 (Small-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District. As per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the proposal is a Preferred Location Preference 5 as it is a mixed-use building within a high-density district.  
Preliminary Recommendation: Pending  
(Continued from Regular Meeting of August 2, 2001)  
(Proposed for Continuance to October 11, 2001)

SPEAKER(S): None

ACTION: Continued to October 11, 2001

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Theoharis, Salinas

2. 2001.1183DDD (SANCHEZ: 558-6679)  
1725 LAKE STREET - south side between 18th and 19th Avenues, Lot 035 in Assessor's Block 1378 - Requests for Discretionary Review of Building Permit Application No. 2000/07/03/4299'S' proposing to add two floors, an extension to the rear and additions to both sides and the front of an existing single-family house in an RH-2 (House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Pending

(Continued from Regular Meeting of August 16, 2001)

**(Proposed for Continuance to November 1, 2001)**

**SPEAKER(S):** None

**ACTION:** Continued to November 1, 2001

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Theoharis, Salinas

3. 2001.0327C (WOODS: 558-6315)  
2038 CLEMENT STREET - north side between 21st and 22nd Avenues, Lot 32 in Assessor's Block 1412 - Request for Conditional Use authorization under Section 717.39 of the Planning Code to demolish an existing two-story building containing retail on the ground floor and two dwelling units on the second floor and construct a new, four-story building containing three parking spaces on the ground floor and three dwelling units above the ground floor in the Outer Clement Street Neighborhood Commercial District and a 40-X Height and Bulk District.

Preliminary Recommendation: Pending

(Continued from Regular Meeting of August 9, 2001)

**(Proposed for Continuance to October 11, 2001)**

**SPEAKER(S):** None

**ACTION:** Continued to October 11, 2001

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Theoharis, Salinas

4. 2001.0015Z (WOODS: 558-6315)  
1052 OAK STREET - north side between Divisadero and Scott Streets, Lot 5 in Assessor's Block 1216 - Request for reclassification of a portion (approximately 3,136 square feet) of Lot 5 (a part of the Touchless Car Wash site) from NC-2 (Small-Scale Neighborhood Commercial) District to RH-3 (Residential, House, Three-Family) District. Currently, the entire lot area, approximately 4,199 square feet, of Lot 5 is zoned NC-2. This reclassification is to allow the construction of three new residential units in accordance with Planning Commission Motion No. 16036 relating to a conditional use authorization approved on November 16, 2000 to expand the car wash.

Preliminary Recommendation: Adoption of the Draft Resolution for Reclassification.

(Continued from Regular Meeting of July 26, 2001)

**(Proposed for Continuance to October 25, 2001)**

**SPEAKER(S):** None

**ACTION:** Continued to October 25, 2001

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Theoharis, Salinas

5. 2001.0728D (SIROIS: 558-6313)  
530 FLOOD AVENUE - north side of Flood Avenue, between Ridgewood Avenue and Genesee Street, Lot 13, Assessor's Block 3123 - Request for Discretionary Review of Building Permit Application 2001/04/27/7865 for the construction of a vertical and horizontal addition on an existing single-family home in an RH-1 District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve project as proposed.

(Proposed for Continuance to November 8, 2001)

**SPEAKER(S):** None

**ACTION:** Continued to November 8, 2001

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Theoharis, Salinas

6. 1999.811D (PUTRA: 558-6233)  
1660 MISSION STREET - west side between South Van Ness Avenue and Thirteenth Street, lots 5 and 6 in Assessor's Block 3512 - Request for Discretionary Review of Building Permit Application No. 2000/0515/0033, to construct a six-story above grade level, approximately 76-feet-tall addition with 25,365 gross square feet of office and 5,073 square feet of parking at grade level. This is an addition to the existing 92,000-gross-square-foot city office building, of which 22,610 square feet are in an underground garage, in a C-M (Heavy Commercial) District; and a 105-J Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the Building Permit Application as revised.  
(Continued from Regular Meeting of June 7, 2001)  
(Proposed for Indefinite Continuance)

**SPEAKER(S):** None

**ACTION:** Continued Indefinitely

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Theoharis, Salinas

7. 2000.1140XE (CHAN: 558-5982)  
1 POWELL STREET - Appeal of a Preliminary Negative Declaration. Assessor's Block 3530, Lot 6. The proposed project is the seismic upgrading, and expansion of the existing seven-story, Bank of America building, from 90,330 square feet to 101,760 square feet, an increase of 11,430 square feet. The seismic upgrade and expansion would occur within the existing building shell except for filling in the light well on the third through eighth floors. The building, originally the Bank of Italy, was constructed in 1920 and is a Category I building in Article 11 of the San Francisco Planning Code. The building is within the Kearny-Market-Mason-Sutter Conservation District and the Downtown Area Plan. The project site is within a C-3-R (Downtown Retail) District, where office and retail uses are permitted, and is within a 110-X Height and Bulk District.  
(Continued from Regular Meeting of August 23, 2001)  
**APPEAL HAS BEEN WITHDRAWN**

**SPEAKER(S):** None

## B. COMMISSIONERS' QUESTIONS AND MATTERS

8. Consideration of Adoption - draft minutes of July 26 and August 9, 2001.

**SPEAKER(S):** None

**ACTION:** Approved as Corrected

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Theoharis, Salinas

9. Commission Matters

**Commissioner Lim:** She requested a roll call voting procedure whenever the Commission votes.

## C. DIRECTOR'S REPORT

## 10. Director's Announcements

None

11. Review of Past Week's Events at the Board of Supervisors and Board of Appeals  
**BOS**

*RE: 4501 Irving Street*

- The Board of Supervisors continued this item for 1 week. There are some arrangements being made with Supervisor Yee. The Director will report on this case at the October 4, 2001 Planning Commission hearing.

**BOA**

The Board of Appeals did not meet because of a lack of a quorum.

## 12. (GREEN: 558-6411)

Discussion and possible action on modifications to the Planning Commission's Inclusionary Housing Policy.

**SPEAKER(S):**

**Steve Vettel**

- It is important that the analysis looks at the feasibility of what the Commission is doing if they want to increase the affordability level.
- Before raising the 10% ratio or respond to Supervisor Leno's legislation, someone should do an analysis of the feasibility.
- There is a real danger that with the concern of making affordable housing available to everyone in the city, that building housing would become infeasible.

**Calvin Welch - Council of Community Housing Organizations**

- It is important that the Commissioners have the number of housing units a year that have been approved pursuant to a conditional use permit versus how many housing units the Commission approves each year that don't have this condition.
- It is important that the Commission understands that the developers can't really "shop around."
- It is clear that this policy needs to be an ordinance.
- Can this Commission work in a coordinated matter with the housing production agencies in this City to develop a comprehensive program of affordable housing?

**Bob Meyers - City Planning Consultant**

- There is an article from Mr. Erickson in the recent SPUR newsletter that really states the numbers very clearly and succinctly.
- In San Francisco, labor costs are high, mobilization costs are high, and access in and out of the city is difficult.
- He urges the Commission to tread very carefully. Ten percent seems to be an acceptable level. Beyond that the costs get too high.

**Joe O'Donahue - Residential Builders**

- A question should be asked: "Why is there a housing crisis in the City?"
- It is important to look at all the proposals and determine why they haven't worked in the past.

**Sue Hestor**

- Inclusionary housing might be a burden on developers but it is also a recognition that every rental building built after 1979 is totally exempt from rent control. This has an economic value in San Francisco.

**Alice Barkley**

- Rent control does not necessarily benefit low and moderate income households in this City.
- Until the Commission has all of the factors, they will not know whether or not the private sector can even do it.

**ACTION:** Meeting held. No action taken. Staff will bring this matter back to the Commission on 10-11-01 for the Commission to consider proposed modifications.

**D. CONSIDERATION OF FINDINGS AND FINAL ACTION—PUBLIC HEARING CLOSED**

13. 2001.0712D (VOLLMANN: 558-6405)  
1080-1082 FILBERT STREET - north side between Jones and Leavenworth Streets, Lot 018 in Assessor's Block 0093. The proposal is to merge a two unit building into a single-family home. This building permit application (No. 2001/07/09/3150) is subject to a Staff-Initiated Discretionary Review action for Dwelling Unit Merger per Commission Resolution No. 16078. The subject property is located in an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District  
Preliminary Recommendation: Do not take Discretionary Review and approve the building permit as submitted.  
NOTE: On September 13, 2001, following public testimony, the Commission closed the Public Hearing. A motion to not take Discretionary Review and approve the project failed to pass by a vote of +3 -3. Commissioners Chinchilla, Salinas and Theoharis voted No. Commissioner Joe was absent. The matter was continued to September 20, 2001 to allow Commissioner Joe the opportunity to review the tape and all hearing material and participate in the final action.

**SPEAKER(S):** None

**ACTION:** Do not take Discretionary Review and approve project as submitted.

**AYES:** Baltimore, Fay, Joe, Lim

**NAYES:** Chinchilla, Salinas, Theoharis

**E. REGULAR CALENDAR**

14. 2000.581C (SMITH: 558-6322)  
455 & 457 BUENA VISTA AVENUE EAST - east side of the street between Upper Terrace and Park Hill Avenue, Lot 270 (formerly Lots 059 & 060) in Assessor's Block 2607- Request for Conditional Use Authorization for dwelling unit density at a density ratio of one dwelling unit per 1,000 square feet of lot area per Planning Code Section 209.1(h) to construct one four unit building in a RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of September 13, 2001)  
Note: On August 16, 2001, the Commission continued this matter to August 16, 2001 in order to request the attendance of a DBI representative and the engineer who prepared the demolition report by a vote +6 -0. Public hearing remained open. Commissioner Theoharis was absent

**SPEAKER(S):**

(+) Tim Listico – Construction Manager

- The building is a termite and dry rot ridden property.

- The reports that the Commission has show amounts less than what it would really cost.

(+) Erich Stratmann

- He is a next door neighbor.

- He went through this process recently to replace the concrete beneath his house.

- As his neighbor, he will loose his view if this project goes forward but he is still in support of the project and of his neighbor.

**ACTION:** Intent to Disapprove – Final Language October 4, 2001.

**AYES:** Baltimore, Chinchilla, Fay, Theoharis, Salinas

**NAYES:** Joe, Lim

15. 2000.613CX (CRAWFORD: 558-6358)  
425-427 BATTERY STREET (AKA 418 CLAY STREET) - Assessor's Block 206 Lots 003, 004, 005, west side of Battery Street between Clay Street and Merchant Street - Request under Planning Code Section 309 (Downtown Code) for exceptions as provided under

Section 309.a to allow a required freight loading space 10 feet in height where a 12 foot space in height is required. This project lies within a C-3-O (Downtown, Office) District and within a 200-S Height and Bulk District. The project will construct an eleven-story hotel with up to 348 rooms and ground floor retail and was granted Conditional Use and Planning Code Section 309 approval on April 12, 2001 (Motions 16151 & 16152).

Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) Joe Jodowitz – Reuben and Alter

- The project is moving forward and under construction.
- The only issue here is the reduction of 2 feet on the loading dock.
- Even if the loading dock were 12 feet high, this project did not anticipate any large truck traffic.
- The hotel will not have too much commercial truck traffic.

(-) Alexander Seidel

- Trucks that park on Merchant Street block the traffic and cause traffic jams.
- Merchant Street is very small and if there is one vehicle parked there it would block off the street.
- This area is very busy.
- There should be a service requirement for this site.

ACTION: Approved

AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Theoharis, Salinas

MOTION: 16238

16.

2000.1140XE

(LIGHT: 558-6254)

1. POWELL STREET - west side between Eddy and Ellis Streets, Lot 5 in Assessor's Block 330 - Request under Planning Code Section 309 (Downtown Code) for Determination of Compliance for Building Permit Application No. 2001/07/31/4966 to make minor modifications to the ground floor entrance and windows of the subject property to accommodate a retail store, and to seismically retrofit the existing 132-foot tall, seven-story over basement building containing a ground level retail banking office with office uses on the upper floors. The seismic retrofitting will be accomplished by infilling a large light well on the north side of the property with a structural system that will provide proper seismic reinforcement for the building. No Exceptions under Section 309 of the Planning Code are requested by the proposed project. The project is in a C-3-R (Downtown, Retail) zoning district, a 110-X height and bulk district, and in the Kearny-Market-Mason-Sutter Conservation District. The building is rated as a Category I building under the Downtown Plan.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of September 6, 2001)

SPEAKER(S):

(+) Charles Chase – Executive Director of Architectural Heritage

- Heritage has been involved in extensive conversations on the details of this project.
- Heritage is concerned with how the brick and mortar will be handled.
- Mr. Meaney has solved all of the issues that Heritage has had.

ACTION: Approved

AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Theoharis, Salinas

MOTION: 16239

17.

1999.423B

(M. SNYDER: 575-6891)

699 - 2nd STREET - "the California Warehouse", northeast corner of 2nd and Townsend Streets, Lot 4 in Assessor's Block 3789 - Request for authorization under Planning Code Sections 320-325 (Office Development Limitation Program) to establish 49,500 gross square feet of new office use in an SSO (Service, Secondary Office) District, a 50-X

Height and Bulk District, the South End Historical District, and a Mixed Use Housing Zone (as designated in Planning Commission Resolution 14861).

Preliminary Recommendation: Approval with conditions

(Continued from Regular Meeting of September 13, 2001)

SPEAKER(S):

(+) Jim Reuben – Reuben and Alter

- Open space has been an issue for this Commission. This project will be paying an infill fee.

- There is plenty of space under the Prop M cap.

- There is a statement of overriding considerations because of the project at 699 2<sup>nd</sup> Street.

- There is no displacement and the parking lot is also vacant.

(-) Sue Hestor – San Franciscans for Reasonable Growth

- If a project is divided into two different small cap projects, it cheats the City out of childcare money.

- How would the Department do post construction inspection? What kind of controls are there on tenant improvements in the future to make sure that walls don't move around.

(+) Garrett Frakes – Homeowner's Association

- He had requested some consideration from the developers and he was able to receive that.

- He fully supports the project.

ACTION: Approved

AYES: Baltimore, Chinchilla, Fay, Joe, Theoharis, Salinas

NAYES: Lim

MOTION: 16240

- 18a. 2000.723ABCV (M. SNYDER: 575-6891)  
639 – 2nd STREET - east side between Brannan and Townsend Streets, Lot 5 in Assessor's Block 3789 - The project is to construct a 50-foot tall, five-story-plus-mezzanine building that would contain approximately 49,500 gross square feet of new office use, nine dwelling units, and approximately 90 parking spaces below grade. Request for Conditional Use authorization under Planning Code section 818.14 to construct nine dwelling units in an SSO (Service/Secondary Office) District; The property is also within an 50-X Height and Bulk District, the South End Historic District, and a Mixed-use Housing Zone (as designated in Planning Commission Resolution 14861).  
Preliminary Recommendation: Approval with conditions  
(Continued from Regular Meeting of September 13, 2001)

SPEAKER(S):

(+) Jim Reuben – Reuben and Alter – Representing Project Sponsor

- The issue of money to childcare was not the reason they decided to create two separate buildings on two separate parcels.

- It would be less expensive by millions of dollars to build one building.

(-) Jeffrey Fox

- He is the owner of two historic buildings--since 1938.

- He opposes the issuance of a variance.

- There are space, air and light issues.

(-) Roger Brandon

- He is against this project since it's proposed to be built on a parking lot.

- The parking lot is a public convenience that should be preserved. He has been by the parking lot and the parking lot was full.

- He does not see the need to erect another office building.

(-) Ron Wallace - Architect

- He is opposed to this project because it will cast shadows to the adjacent buildings.

- He does not believe that the project sponsor cannot provide a better design within the code.

(-) Sue Hestor

- The exposure and yard requirements were designed for this area.

- It's hard to understand what the unique circumstances are on this new construction and similarly on the dwelling unit exposure.

- She does not care how much more money the developer will give to the general contractor, the fact is that there will be no money to childcare.

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Fay, Joe, Salinas, Theoharis

**NAYES:** Lim

**MOTION:** 16242

18b. 2000.723ABCV

(M. SNYDER: 575-6891)

639 – 2nd STREET - east side between Brannan and Townsend Streets, Lot 5 in Assessor's Block 3789 - The project is to construct a 50-foot tall, five-story-plus-mezzanine building that would contain approximately 49,500 gross square feet of new office use, nine dwelling units, and approximately 90 parking spaces below grade. Request for a Certificate of Appropriateness from the Planning Commission to allow new construction in the South End Historic District. The property is within an SSO (Service, Secondary Office) District, a 50-X Height and Bulk District, the South End Historic District, and a Mixed-use Housing Zone (as designated in Planning Commission Resolution 14861).

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of September 13, 2001)

**SPEAKER(S):** Same as those listed in item 18a.

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Fay, Joe, Salinas, Theoharis

**NAYES:** Lim

**MOTION:** 16243

18c. 2000.723ABCV

(M. SNYDER: 575-6891)

639 – 2nd STREET - east side between Brannan and Townsend Streets, Lot 5 in Assessor's Block 3789 - The project is to construct a 50-foot tall, five-story-plus-mezzanine building that would contain approximately 49,500 gross square feet of new office use, nine dwelling units, and approximately 90 parking spaces below grade. Request for new office use authorization under Planning Code Section 320-325 (Office Development Limitation Program) to allow for the construction of 49,500 gross square feet of new office use. The property is within an SSO (Service, Secondary Office) District, a 50-X Height and Bulk District, the South End Historic District, and a Mixed-use Housing Zone (as designated in Planning Commission Resolution 14861).

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of September 13, 2001)

**SPEAKER(S):** Same as those listed in item 18a.

**ACTION:** Approved

**AYES:** Baltimore, Chinchilla, Fay, Joe, Salinas, Theoharis

**NAYES:** Lim

**MOTION:** 16241

18d. 2000.723ABCV

(M. SNYDER: 575-6891)

639 – 2nd STREET - east side between Brannan and Townsend Streets, Lot 5 in Assessor's Block 3789 - The project is to construct a 50-foot tall, five-story-plus-mezzanine building that would contain approximately 49,500 gross square feet of new office use, nine dwelling units, and approximately 90 parking spaces below grade. (1)

Request for a Rear Yard Modification per Planning Code Section 134(e) from the Zoning Administrator; and (2) request for an Exposure Variance per Planning Code Section 140 from the Zoning Administrator. The property is within an SSO (Service, Secondary Office) District, a 50-X Height and Bulk District, the South End Historic District, and a Mixed-use Housing Zone (as designated in Planning Commission Resolution 14861).

**SPEAKER(S):** Same as those listed in item 18a.

**ACTION:** Zoning Administrator granted modification and variance

19. 2000.1141C (SANCHEZ: 558-6679)  
2346-2348 CLEMENT STREET - north side between 24<sup>th</sup> and 25<sup>th</sup> Avenues; Lot 025 in Assessor's Block 1409 - Request for Conditional Use authorization under Planning Code Section 717.39 to allow the demolition of an existing mixed-use building with a residential unit at the second floor and under Planning Code Section 161(j) to allow the construction of a four-story mixed-use building (four residential units and one commercial unit) without the four required residential parking spaces, within the Outer Clement Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District.  
Preliminary Recommendation: Approval with Conditions.  
(Continued from Regular Meeting of August 9, 2001)

**SPEAKER(S):** None

**ACTION:** Continued without hearing to November 8, 2001

**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, Theoharis, Salinas

## F. DISCRETIONARY REVIEW HEARING

At Approximately 4:00 PM the Planning Commission convened into a Discretionary Review (DR) Hearing to hear and act on Discretionary Review matters.

20. 2001.0725D (SANCHEZ: 558-6679)  
501-503 COLE STREET - west side between Page and Haight Streets; Lot: 002 in Assessor's Block: 1229 - Request for Discretionary Review of Building Permit Application Number 2001/03/30/5631, proposing to replace an existing three-level deck/stair structure at the rear of the two-unit subject building with a reconfigured three-level deck/stair structure.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

**SPEAKER(S):** None

**ACTION:** Discretionary Review Withdrawn

21. 2001.0635D (CHAVIS: 558-6334)  
2780 BROADWAY – north side between Broderick and Divisadero Streets; Lot: 025 in Assessor's Block: 0959 - Request for Discretionary Review of Building Permit Application Number 2001/01/09/9442, proposing to remove a portion of an existing gable roof at the rear of the subject building and provide a deck with elevator/stair penthouse, within an RH-1 (D) (Residential, House, One-Family, Detached) Zoning District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

**SPEAKER(S):** None

**ACTION:** Discretionary Review Withdrawn

## F. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**Joe O'Donaghue**

- There was a rumor that Commissioner Salinas had been fired because of him. This is a false statement.
- If he would have had any problems with Commissioner Salinas, he would have gone to the union to deal with those matters.
- He does not go behind people's backs. If he dislikes someone, he will deal with that person face to face.

**Sue Hestor**

- She has concerns about the calendars being paced better. There have been a few hearings that have been too long. When this happens, everyone gets tired and no one listens.
- Today the hearing ends before 5:00 p.m.
- There should be a uniform policy on speaker's comments.
- The public deserves the right to the Commissioner's attention.
- The time for public comment should be reconsidered.

Adjournment: 4:45 p.m.

**THE DRAFT MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, NOVEMBER 8, 2001.**

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place

DOCUMENTS DEPT.

Thursday, October 4, 2001

NOV 16 2001

1:30 PM

SAN FRANCISCO  
PUBLIC LIBRARY

Regular Meeting

PRESENT: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis  
ABSENT: None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT THEOHARIS AT 1:40 p.m.

STAFF IN ATTENDANCE: Gerald G. Green, Director of Planning; Larry Badiner, Zoning Administrator; Kelley LeBlanc; Michael Smith; Tina Tam; Dario Jones; Jim Miller; Sara Velve; Glen Cabreros; Ben Fu; Jonathan Purvis; Nora Priego, Transcription Secretary; Linda Avery, Commission Secretary

### A. ITEMS PROPOSED FOR CONTINUANCE

1. 2001.0336C (FU: 558-6613)  
3579 FOLSOM/495 CHAPMAN - at the intersection of Folsom and Chapman Streets. Lot 42 in Assessor's Block 5627 - Request for authorization of a Conditional Use for the creation of one lot with a width of fewer than 25 feet in an RH-1 and an area of less than 1,750 square feet in an RH-1 (House, One-Family) District and a 40-X Height and Bulk District, per Section 121 of the Planning Code, and within the Bernal Heights Special Use District.

Preliminary Recommendation: Disapproval

(Continued from Regular Meeting of September 6, 2001)

(Proposed for Continuance to October 25, 2001)

SPEAKER(S): None

ACTION: Continued to October 25, 2001

AYES: Baltimore, Chinchilla, Fay, Joe, Salinas, and Theoharis

ABSENT: Lim

2. 2001.0502C (SANCHEZ: 558-667)  
4715-4723 GEARY BOULEVARD - southside between 11<sup>th</sup> and 12<sup>th</sup> Avenues; Lot 044 in Assessor's Block 1533 - Request for Conditional Use authorization pursuant to Section 712.83 of the Planning Code to install a total of six antennas and related equipment on the rooftop and an equipment shelter on the ground level of an existing six story, mixed-use (residential above commercial) building, as part of Metro PCS's wireless telecommunications network within an NC-3 (Moderate-Scale Neighborhood Commercial) District and 40-X Height and Bulk District. As per the City & County of San Francisco's Wireless Transmission Services (WTS) Facilities Siting Guidelines the proposal is a Location Preference 5 (Mixed-Use Building in High Density Districts).  
Preliminary Recommendation: Pending  
(Continued from Regular Meeting of August 16, 2001)  
**(Proposed for Continuance to November 8, 2001)**

SPEAKER(S): None

ACTION: Continued to November 8, 2001

AYES: Baltimore, Chinchilla, Fay, Joe, Salinas, and Theoharis

ABSENT: Lim

3. 2001.0522C (SIROIS: 558-6313)  
965 GENEVA AVENUE - south side of Geneva Avenue between London and Paris Streets, Lot 010 Assessor's Block 6409. Request by Metro PCS for Conditional Use authorization to install a wireless telecommunications facility pursuant to Planning Code Section 712.83 which includes the installation of nine panel antennas, one GPS antenna and equipment cabinets at the Apollo Theater which is located in an NC-3 (Moderate-Scale Neighborhood Commercial) District and a 65-A Height and Bulk District. The subject site is a Preference Location 4.  
Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of August 9, 2001)  
**(Proposed for Continuance to October 18, 2001)**

SPEAKER(S): None

ACTION: Continued to October 18, 2001

AYES: Baltimore, Chinchilla, Fay, Joe, Salinas, and Theoharis

ABSENT: Lim

## B. COMMISSIONERS' QUESTIONS AND MATTERS

4. Commission Matters

**Commissioner Salinas:** He has had inquiries regarding some of the decisions the commission has made. He would like to address these questions. This Commission makes good, solid decisions. Regarding the IPZ (Bayshore Boulevard), he understands how it is important to move this agenda forward. He doesn't believe that any one in this Commission has lost sight that housing is important.

**Commissioner Theoharis:** Citing personal reasons, she read a statement indicating her intent to resign in January.

## C. DIRECTOR'S REPORT

5. Director's Announcements

*Re: Budget*

- Some parts of the Department's budget were not agreed to during the budget process. This has resulted in a shortage of positions and a shortage of revenue. Next week, he

(the Director) will speak to the Mayor's budget analyst and the Finance Committee of the Board of Supervisors. This budget item will again be placed on the calendar in the next few weeks.

*Re: Planning Director's Conference in Cambridge, Massachusetts*

- He attended this event last week.
- The purpose of this conference was to talk about the emerging issues in various cities.
- There was a very interesting presentation from a professor of the Harvard Design School titled: "Regulating the Good you Can't Think Of." He will provide a copy of this presentation to the Commissioners. The subject matter of this presentation is about zoning.

*Re: Commissioner Theoharis's intent to leave the Commission*

- He will be sorry to see her leave. Ms. Theoharis's contributions and efforts will be missed.

*Re: Reason Inclusionary Housing Item was continued:*

- There were various questions that need to be dealt with and responded to.
- There has been a request from the Mayor's Office of Housing to consider other amendments that would make the policies of the department more effective.
- Time is required to be able to respond to these issues so a presentation will be scheduled at the hearing of October 18, 2001.

6. Review of Past Week's Events at the Board of Supervisors and Board of Appeals  
BOS – *Re: Conditional Use at 4501 Irving Street*

The Board of Supervisor altered the decision of the Commission by reducing the size of the project in terms of height and therefore reducing the number of units. This project will have the same number of parking spaces but there will be a reduction in the amount of ground floor commercial space, a reduction of floors from four stories to three and therefore a reduction in the number of dwelling units--which would cause a reduction of affordable units.

Housing, Land Use and Transportation Committee

*Re: 525 Golden Gate*

- The amendment of the height proposal was before the committee. This was moved to the full board by a vote of +2-1.

*Re: Dwelling Unit Merger Ordinance*

- Paul Lord of department staff attended this hearing.
- They were interested on how this policy had been implemented and what actions had been taken.

BOA – None but the IPZ Special Use District will be before the Board of Appeals very soon.

D. CONSIDERATION OF FINDINGS AND FINAL ACTION -- PUBLIC HEARING CLOSED

7a. 2000.272EXC (LeBLANC: 558-6351)  
185 POST STREET - the southeast corner of Post Street and Grant Avenue, Lot 18 in Assessor's Block 310 - CEQA Findings, and Request under Planning Code Section 309 for Determinations of Compliance for Building Permit Application No. 2001/05/30/0246S and Request for Exceptions including: (1) an exception to the rear yard requirement as permitted in Code Section 134(d); (2) an exception to ground level wind current standards as permitted in Section 148; (3) an exception to the base height limit in an 80-130-F Height and Bulk District as permitted in Section 263.8, (4) an exception to the required sun access angle (or setback) pursuant to Section 146(b) and (5) an exception

to the freight loading requirements as permitted in Section 161(l). This project lies within a C-3-R (Downtown Retail) District, an 80-130-F Height and Bulk District, and is within the Kearny-Market-Mason-Sutter (KMMS) Conservation District. The Project also requires conditional use authorization for office use in a C-3-R Zoning District (see Case No. 2000.272EXC, below).

NOTE: On September 6, 2001, after public testimony the Commission closed the public hearing. A motion of intent to approve passed by a vote of +6 -0. Commissioner Chinchilla was absent. The Commission requested that Department staff draft a Motion with CEQA Findings and Findings for Approval of the Section 309 Review to be considered on October 4, 2001. (See also conditional use authorization, item b. below).

SPEAKER(S): None

ACTION: Approved

AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, and Theoharis

MOTION: 16245

- 7b. 2000.272EXC (LeBLANC: 558-6351)

185 POST STREET - the southeast corner of Post Street and Grant Avenue, Lot 18 in Assessor's Block 310 - Request for Conditional Use authorization for office use in a C-3-R Zoning District. The project would demolish a six-story structure on the site and construct a 10-story, 130-foot tall building containing approximately 40,000 gross square feet including 10,900 square feet of retail space, 6,700 square feet of office and showroom space, approximately 2,170 square feet of publicly-accessible open space, one dwelling unit and 18,500 square feet of other space including mechanical equipment and pedestrian circulation areas. The office and showroom space would be on floors seven, eight and nine of the building. The Project also requires a determination of compliance and approval of exceptions pursuant to Section 309. See Case 2000.272EXC above.

NOTE: On September 6, 2001, after public testimony the Commission closed the public hearing. A motion of intent to approve passed by a vote of +6 -0. Commissioner Chinchilla was absent. The approval of the Conditional Use authorization is subject to the project's Section 309 application also being considered (see item a. above).

SPEAKER(S): None

ACTION: Approved

AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, and Theoharis

MOTION: 16246

8. 2000.581C (SMITH: 558-6322)

455 & 457 BUENA VISTA AVENUE EAST - east side of the street between Upper Terrace and Park Hill Avenue, Lot 270 (formerly Lots 059 & 060) in Assessor's Block 2607- Request for Conditional Use Authorization for dwelling unit density at a density ratio of one dwelling unit per 1,000 square feet of lot area per Planning Code Section 209.1(h) to construct one four unit building in a RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of September 13, 2001)

NOTE: On August 16, 2001, the Commission continued this matter to August 16, 2001 in order to request the attendance of a DBI representative and the engineer who prepared the demolition report by a vote +6 -0. Public hearing remained open. Commissioner Theoharis was absent.

NOTE: On September 20, 2001, following public testimony the Commission closed the public hearing. A motion of intent to disapprove passed by a vote +5 -2. Commissioners Joe and Lim voted no. Final language 10/04/01

SPEAKER(S): None  
ACTION: Conditional Use Authorization was disapproved  
AYES: Baltimore, Chinchilla, Fay, Salinas, and Theoharis  
NAYES: Joe and Lim  
MOTION: 16247

## REGULAR CALENDAR

9. (GREEN: 558-6411)  
Discussion and consideration of proposed amendments to the Planning Commission's Inclusionary Housing Policy.  
Preliminary Recommendation: Approval  
(Continued from Regular Meeting of September 20, 2001)  
ACTION: On calendar in error. No action required
10. (TAM: 558-6325)  
557 CASTRO STREET - east side of Castro Street, between 18th and 19th Streets; Lot 63 in Assessor's Block 3583 - Request for a Conditional Use authorization to allow the establishment of a financial service use (Wells Fargo Bank), approximately 3,800 square feet, on the ground floor of an existing two-story building, pursuant to Planning Code Sections 715.49 and 715.21, in the Castro Street Neighborhood Commercial District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Approval with conditions  
(Continued from Regular Meeting of September 27, 2001)
- SPEAKER(S):  
**(+) Gary Bell – Project Sponsor**  
- The space is vacant so there will be no displacement.  
- The Eureka Valley Promotions Association strongly supports this application.  
ACTION: Approved  
AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, and Theoharis  
MOTION: 16248
11. 2001.0749C (JONES: 558-6477)  
103 BROAD STREET - south side of Broad Street between Plymouth and Capitol Avenues, Lot 001 in Assessor's Block 7113 - Request for Conditional Use Authorization to allow the establishment of a community service facility operated by the San Francisco Police Department in an NC-1 (Neighborhood Commercial Cluster District) and a 40-X Height and Bulk District pursuant to Planning Code section 710.83. The proposal will not alter the existing structure. The Community Service Center is proposed to be operated on City leased property.  
Preliminary Recommendation: Approval with conditions  
(Continued from Regular Meeting of September 27, 2001)
- SPEAKER(S):  
**(+) Captain Mike Kailon – Taraval Police Station**  
- They came up with the idea to turn a vacant parcel into a community service center.  
- The Supervisors and the Department of Public Works are supporting this project.  
- There are various people from the community here in support of this project.  
- There is no opposition to this project.  
**(+) Annette Sheldon**  
- She has been a licensed cosmetologist for many years.  
- She has seen how this area is very dangerous.  
- She supports this project because she feels that this community service center will benefit the community.

- Her only concern is that the hours of the center are very limited. The drug dealings are done at night.

(+) Bronwen Trice - Supervisor Sandoval's Office

- Supervisor Sandoval is in full support for this project.

- This project will benefit this long neglected neighborhood.

(+) Reginal Blosser - OMI - NIA

- She agrees that the hours of operation are limited.

- She supports the project.

(+) Ceasar B. Henr - OMI - NIA

- He lives in the area and is afraid to walk outside his door.

- He hopes that the Commission approves this project and be able to let people in the neighborhood sleep better at night.

(+) Helen Williams - OMI- NIA

- This center is very important and she hopes that the Commission does not delay approving this project.

(+) Al Harris - OMI Neighbors in Action

- He has seen the changes taken place in this area.

- He hopes that the Commission approves this project.

ACTION: Approved with the following modification: the center will not have limited hours of operation.

AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, and Theoharis

MOTION: 16249

12. 2001.0581C (SMITH: 558-6322)

1633-37 TARAVAL STREET - south side of the street between 26th and 27th Avenues, Lot 041 in Assessor's Block 2399 - Request by Sprint PCS for Conditional Use Authorization under Planning Code Section 711.83 to install two antennas on the rooftop and five equipment cabinets in the garage of a mixed-use building located in a NC-2 (Small-Scale Neighborhood Commercial) District and 65-A Height and Bulk District. As per the City and County of San Francisco's *Wireless Transmission Services (WTS) Siting Guidelines*, the subject site is a Location Preference 5 (Mixed Use Building in High Density District).

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of September 6, 2001)

Note: On September 6, 2001, the Commission continued this matter to October 4, 2001 to allow the project sponsor to conduct further neighborhood outreach and conduct at least two more neighborhood meetings by a vote of +5 -1. Commissioner Joe voted no. Commissioner Chinchilla was absent.

SPEAKER(S):

(+) Jenny Estes - Representing Spring PCS

- They held the additional community meetings--one on Saturday and one on a weekday night.

- No one attended these meetings.

ACTION: Approved

AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, and Theoharis

MOTION: 16250

13. 2001.0471C (SMITH: 558-6322)

2276-2282 MARKET STREET - north side of the street between Noe and 15th Streets, Lot 013 in Assessor's Block 3560 - Request for Conditional Use Authorization under Planning Code Section 721.21 for use size expansion of an existing Tower Records retail store into the adjacent vacant storefront at the ground level previously occupied by NaNas and increase the occupied floor area of the use from 11,068 square feet to 14,439 square feet, located in the Upper Market Neighborhood Commercial District and 50-X Height and Bulk District.

## Preliminary Recommendation: Approval with Conditions

**SPEAKER(S):****(+) Wayne (last name not clear)**

- He is available to answer any questions.

**ACTION:** Approved**AYES:** Baltimore, Chinchilla, Fay, Joe, Lim, and Theoharis**ABSENT:** Salinas**MOTION:** 16251

14. 2000.0173C (MILLER: 558-6344)  
**500 FRANCISCO STREET (A.K.A. 401-499 BAY STREET & 501-599 BAY STREET)** - north side between Mason Street and Columbus Avenue, Lot 1 in both Assessor's Blocks 42 and 43 -- Request for authorization of a CONDITIONAL USE for a PLANNED UNIT DEVELOPMENT to construct up to 341 units of affordable multi-family and senior housing (after demolition of an existing 229-unit public housing project) with related support services including a child-care facility, community space with a computer learning center for residents, and ancillary commercial space, requiring modifications of Planning Code standards for rear yards, off-street parking and off-street loading, in an RM-3 (Mixed Residential, Medium Density) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with conditions

(Continued from Regular Hearing of August 16, 2001)

**THIS ITEM WAS TAKEN OUT OF ORDER AND FOLLOWED ITEM 15.****SPEAKER(S):****(+) Greg Fortham – Acting Executive Director of the San Francisco Housing Authority**

- This proposal fits into the housing strategies for San Francisco.
- This project will replace 229 dilapidated units and add 112 affordable units to the affordable housing stock.
- There has been a lot of concern regarding the relocation of some of the residents.
- People who lived in 129 of these units have been relocated. Of these, 93% were relocated within San Francisco. Ninety-one people were moved to their (the Housing Authority's) public housing stock and an additional 20 moved into private units run by Section 8 landlords in the City.
- This is an opportunity to use funds provided by HUD. If these funds sit around too long, they could lose the money.

**(+) Carol Galante – President of Rich Housing Corporation and Lead Developer for North Beach Development Associates**

- They are very excited to work with the San Francisco Housing Authority.
- This permit is the last critical planning element to keep them on schedule to submit for the tax credit financing that they need to do.
- This tax credit leverages over \$42 million of private tax credit equity, \$25 million dollars of private financing and serves as the foundation for leveraging the hope six dollars which otherwise would be lost.
- The project also enables the City of San Francisco to make a commitment of close to \$11 million dollars of local funding and reserve a tax credit for other affordable housing projects that are in the pipeline.

**(+) Mike Johnson – M. Johnson Interests**

- He has been working closely with the architects.
- He displayed photographs and diagrams describing the project.

**(-) David Hesbett**

- He is not opposed to the project. He is just opposed to the way the Housing Authority has been dealing with the current residents.
- At first they said it would be done in phases and they keep changing the plans. Now the plan is to do it in one phase so they will have to evict everyone at the same time.

**(+) Waymond Nichols**

- Potrero Hill was one of the first developments that had an opportunity to receive the Hope 6 funds, but they (the residents) were misguided.
- Then they began to look at Hayes Valley and then Bernal Heights but it was a bit too late. There was no more money for Potrero Hill.
- No one would want to live at the old North Beach and not want to live at the new North Beach.
- He hopes that the Commission weighs all the evidence and makes the right decisions.

**(+) Margarita Medina**

- She has lived in the development since 1986.
- She would like to stay there and supports this project.

**(+) Kimberly Hill Brown**

- She is a Bernal dwelling resident and the residents are very pleased to have moved back.
- Hope 6 is a very stressful process on the residents. She was displaced for 5 years and could have been displaced for less time but outsiders came into the development and caused delays for them.
- People have to be committed to Hope 6 since it's a very good project.
- She hopes that the Housing Authority works through the problems and keeps on schedule.

**(-) Beverly Williams**

- She lives in the North Beach development.
- The Housing Authority had promised them that the project would be done in two phases. Now they are saying that it will be done in one phase.
- If this project is done in one phase it will be very stressful for the people who will be displaced.

**(+) (Did not state his name)**

- He supports this project and hopes that the Commission will approve this project and make the dreams of many people come true.

**(+) Thomas Toy**

- He is a resident of the development.
- He was displaced 2 ½ years ago, yet he still has not seen any construction.
- Although there are many problems he supports the project.

**(+) Commissioner Sulu – President of the Housing Authority Commission**

- He supports this project and hopes that the Housing Authority will be able to solve the issues people have.
- This project should move forward right away.

**(+) Bruno Viscovi**

- He is the owner of the restaurant across the street from the proposed project.
- He has managed to operate his establishment for the past 14 years.
- The area is very dangerous because of drug dealings.
- He hopes that the Commission will approve this project and tear down the unsightly units and build brand new and clean affordable units.

**(+) Alessandro Baccari – Fisherman's Wharf Association**

- They had an opportunity about 12 years ago to tear down the North Beach dwelling units. They opposed this since they resolved that it would be better to have the units rebuilt.
- The association has been working hard to help the residents of these units by helping them paint, offering jobs, etc.
- The residents were promised that this project would be in phases, yet the east block needs to be torn down in order for the residents to start believing that the City wants to go forward with this project.

**(+) Sandra Gomez**

- She supports the revitalization of North Beach.
- She lives in Bernal but is happy that her mother will be able to move back to North Beach.
- Many residents have been working closely with the Housing Authority.

**(+) Daryl Higashi – Acting Director of the Mayor's Office of Housing**

- They have been working very closely with the developers and the San Francisco Housing Authority over the last 5 years--from a concept process to a project that has all the elements of community planning and smart growth.
- Their office is very committed to provide a significant amount of financing to this project.
- The concept to move forward in one phase is very critical for low income housing tax credits. These credits are very hard to obtain and they are very competitive.
- Having this project done in one phase will not only help the City but also help other communities receive the same benefits.
- He has high confidence that the residents will receive all the benefits they were promised when relocating temporarily.

**(-) Rob Eshelman – Supervisor Gonzalez's Office**

- The agreement was that the project would be done in two phases. Then they changed the plans to be done in one phase. This violates the agreement.
- Supervisor Gonzalez hopes that the project will be disapproved or continued until the issues being brought up by the residents are dealt with.
- The supervisor agrees that this is a good project yet it should be done in a matter that will not affect the residents negatively.

**(-) Phillip Morgan – Staff Attorney at Bay Area Legal Aid**

- These are the main points of the tenants: 1) the written contracts between the tenants and the housing authority say that the project will go forward in two phases; 2) the relocation plan which was developed with consultation with the tenants state that the project would take place in two phases.
- The tenants are hopeful of a new home, yet the problem is that they don't know who to trust or who to believe.
- He has issues with the conditions of approval.

**(-) Lorraine Bender**

- She has been a resident of North Beach for more than 20 years.
- She is stressed out, she is disappointed and she is sad.
- The plan was to do this construction in two phases and it keeps changing.
- All the residents participated in the plan and it should be respected.
- She hopes that the Commission will approve the project in two phases.

**(-) Gen Fujioka – Asian Law Caucus**

- The relocation plan document does not really address all the important information it should have required by law.

**(-) King Fong**

- He is against this development because the residents have been told lies.
- He doesn't believe that this project will go forward.

**(-) Duck Nim**

- There were about 14 residents who were not able to come today who are against this project.

- The developers of this project have not been honest with any of the residents.

**(-) Fong, Yat King**

- He is a taxicab driver and has lived in this project complex for 26 years.
- People say that this area is very dangerous yet he goes off of work in the early morning and has never had any problems.
- He does not believe that people need to move in order to have the area reconstructed.
- He believes that the developers are liars.

**(-) Duc Nim**

- He is a UC Berkley student. He knows of about 14 residents who wanted to come to this hearing and speak against this project but because of different obligations could not make it.
- He and the 14 residents he is representing oppose this project because the Housing Authority lacks respect and duty to the residents.
- There are 5 issues they have which they would like to present to the Commission: 1) Sanitation--sewer pipes have never been repaired since the damage caused by the Loma

Prieta Earthquake; 2) Security--residents have never been asked on how to improve security in the complex; 3) Education--thousands of dollars were offered for a computer training center but less than 20 classes were offered; 4) Finances--the residents were never informed about HUD's income disregard policy that began in 1994. Participation and Decisions--they believe that residents should be involved in the Hope 6 redevelopment.

(-) **Don Paul**

- There are about 20 letters of support that were submitted to the Commission but he believes that these tenants were misinformed.
- He displayed photos of the problems that are visible in the complex.
- Residents never received an appraisal of the property's value in 1996.
- He believes that it is unnecessary to reconstruct the complex in one phase.

(-) **Marie Harrison - Housing as a Human Right**

- They would not be here had it not been because of a great cry from the remaining tenants and some tenants who have already left.
- They were asked to come in since the tenants believe that the Housing Authority is not being honest.
- The tenants must be full partners and they have not been.
- There were some tenants from other Hope 6 projects who were not allowed to come back and they are fighting for this not to happen again.
- Their office has received various complaints about the Housing Authority.
- It is not fair for the tenants to be brought back to the same size house since families grow and change throughout the years.

(-) **Jose Arias**

- He has the same problems as the previous tenants have spoken about.

(-) **(Did not state name)**

- She does not understand what is going on since some people tell them one thing and other people tell them another thing.

(-) **Ana Mendoza**

- She is opposed because she does not want to move.
- The tenants were promised that they would be able to stay while the construction is going on.

(-) **Gloria Blanco**

- At first they told the tenants that they did not have to move until they finished the building.
- Now they want them to move and she is confused.

(-) **Marilyn Dunman**

- She has lived at North Beach Housing for 32 years. She loves the neighborhood and loves to see things built.
- She does not know why the east block was not torn down a long time ago.
- She received various documents from the Housing Authority stating the procedure about the tenants moving out while the construction was going on. Yet various things have been changing.

(-) **Mary Berradori**

- She was born at North Beach housing.
- She has a hard time seeing and she does not want to move. She loves it there. They promised them a lot of things.

(-) **Wendy Tram**

- She has lived at North Beach housing for 10 years.
- She would like to see a new North Beach but she would not like to move.
- Everything is so close for her and her family.

(-) **Tory Budori**

- He is so tired of all the lies and all the promises that they have offered the tenants.
- Housing Authority should just build how they promised.

(-) **Alma Larc**

- She has lived at North Beach for a number of years.

- There is a law that requires development built near low income housing, to give a certain percentage of funds to that low income housing.
- During the Loma Prieta Earthquake the sewage lines were damaged. The Housing Authority received funds to make this repair but nothing was ever done.

(+) John Stewart – North Beach Development Associates Team

- This project will be an enhancement to the area.
- He believes that the Housing Authority has a specific plan for relocation of the tenants.
- A large majority of the tenants who are relocated will come back.

ACTION: Approved with the following condition: Staff is required to provide the Commission with a 6-month progress report on how relocation is proceeding.

AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, and Theoharis  
MOTION: 16254

- 15a. 2001.0642CR (VELLVE: 558-6263)  
1000 OCEAN (AKA 11 PHELAN - SAN FRANCISCO FIRE DEPARTMENT STATION #15) - north side between Phelan and Plymouth Avenues, Lot 001, Assessor's Block 3180 - Request for Conditional Use authorization pursuant to Sections 234.2 and 711.83 of the Planning Code to install a total of three panel antennas on the tower of an existing two-story, publicly-used structure (a fire station) and related equipment at ground level within a P (Public) and an NC-2 (Small-Scale Neighborhood Commercial) Zoning District, and within 40-X and 65-A Height and Bulk Districts respectively. The fire station and proposed antennas/related equipment are located within the portion of the lot zoned as a P District. The subject site is a Location Preference 1 (Preferred Location – Publicly-Used Structure).

Preliminary Recommendation: Approval with conditions  
(Continued from Regular Meeting of September 13, 2001)

**ITEMS 15a AND 15b WERE TAKEN OUT OF ORDER AND HEARD FOLLOWING #13 SPEAKER(S):**

(+) Bill Liner – Representing Sprint PCS

- This location will provide low cost, fixed fees to the network.
- The only time that there would be any interference would be when the Sprint PCS equipment would have to be shutdown because of maintenance.

ACTION: Approved

AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, and Theoharis  
MOTION: 16253

- 15b. 2001.0642CR (VELLVE: 558-6263)  
1000 OCEAN (AKA 11 PHELAN – SAN FRANCISCO FIRE DEPARTMENT STATION #15) - north side between Phelan and Plymouth Avenues, Lot 001, Assessor's Block 3180 - General Plan Referral to install a total of three panel antennas on the tower of an existing two-story, publicly-used structure (a fire station) and related equipment at ground level within a P (Public) and an NC-2 (Small-Scale Neighborhood Commercial) Zoning Districts, and within 40-X and 65-A Height and Bulk Districts respectively.

Preliminary Recommendation: Finding of consistency with the General Plan  
(Continued from Regular Meeting of September 13, 2001)

SPEAKER(S): Same as those listed in item 15a.

ACTION: Approved

AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, and Theoharis  
MOTION: 16252

16. 2001.0446C (CABREROS: 558-6169)  
6901 GEARY BOULEVARD - southwest corner of Geary Boulevard and 33<sup>rd</sup> Avenue in an NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District, Lot 001 in Assessor's Block 1511 - Request for Conditional Use Authorization under

Planning Code Section 710.11 for a lot size exceeding 5,000 square feet within an NC-1 District. The proposal is the construction of a new, 40-foot tall, four-story building with basement consisting of approximately 44,124 gross square feet (gsf) of which 4,452 gsf would be for retail use on the ground floor. The project includes 15 residential units with 16 independently accessible off-street parking spaces.

Preliminary Recommendation: Approval with conditions

***THIS ITEM WAS TAKEN OUT OF ORDER AND HEARD FOLLOWING ITEM 14.***

SPEAKER(S):

(+) Lincoln Lew – Lincoln Lew Associates Architects

- This project is aesthetically and appropriately designed and is located on a street that is a major transit thoroughfare.
- This project will provide housing, which is a great need for San Francisco.
- There are 16 residential parking spots.
- The building is compatible with the surrounding buildings.

ACTION: Approved staff recommendation

AYES: Baltimore, Joe, Lim, Salinas, and Theoharis

NAYES: Chinchilla and Fay

MOTION: 16255

**F. DISCRETIONARY REVIEW HEARING**

At Approximately 6:00 PM the Planning Commission convened into a Discretionary Review (DR) Hearing to hear and act on Discretionary Review matters.

17. 2001.0559D (FU: 558-6613)  
337-339 MISSISSIPPI STREET - on the west side of Mississippi Street, north of the intersection of Mississippi and 19th Streets, on Lot 15 of Assessor's Block 4039 - Mandatory Discretionary Review of Building Permit Application No. 2001/04/16/6901 proposing to merge a two-unit dwelling into a one-unit dwelling in an RH-2 (Residential House, Two-Family) District and a 40-X Height and Bulk District pursuant to Planning Commission Resolution 16078.

Preliminary Recommendation: Take Discretionary Review and do not approve the project as submitted.

(Continued from Regular Meeting of August 16, 2001)

SPEAKER(S):

(-) Jane Cormier

- She is the tenant who lives in the dwelling.
- She will be displaced as a tenant and she hopes that the project is not approved.
- It will be very difficult for her and her roommate to look for another place to live since they have a dog and a cat.

(-) Molly Frankmolster

- She hopes that the Commission will not approve this project since it will be very difficult for her to find another place to live.
- She loves the neighborhood where she lives since it's such a diverse community.
- It would be very expensive for her to move to another apartment.

(-) Rebecca Geppert

- She supports her friends who spoke previously because she would not like to see them displaced.
- She is a property manager for an apartment complex in Nob Hill. She knows how much the rents have gone up in the City. It would be difficult for her friends to find another affordable apartment.

(+) Ranie Tan

- They started their search for a house in 1999.
- They were really desperate to get a house.

- Potrero hill is a family neighborhood and there are various parks where she and her husband can take their children and they would like to stay there.
- The house that they bought is a two unit building. She recently got laid-off so she would like to have one room remodeled as an office and provide more room for their growing family.
- She displayed a photograph from 1892 of her house that shows one door entry to the house. This leads her to believe that the house was a one unit house. She could not find any other information to support this.

(+) Dan Tam

- He and his wife have lived in San Francisco since 1975.
- They have had a difficult time looking for a home.
- Their original plans were not to displace another 2<sup>nd</sup> tenant. Yet the only reason that this person was displaced was because Ms. Cornier mentioned that there was an illegal unit. They did not want this person to be displaced since the person has a handicap.

ACTION: Take Discretionary Review and Disapprove Project  
AYES: Chinchilla, Fay, Joe, Salinas, and Theoharis  
NAYES: Lim  
ABSENT: Baltimore

18. 2001.0534DDDDDD (WANG: 558-6335)  
18-28 MIGUEL STREET - north side between Beacon and Bernis/Fairmont Streets, Lot 048 and 049 in Assessor's Block 7542 - Request of Discretionary Review of Building Permit Application Nos. 2000/09/15/0713 and 2000/09/15/0714 to construct one new three-story over garage, single-family dwelling on each of the two vacant lots in an RH-1 (Residential, House, Single-Family Dwelling) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted  
(Continued from Regular Meeting of September 27, 2001)

ACTION: All Discretionary Review Applications Were Withdrawn

- 19a. 2001.0801DV (PURVIS: 558-6354)  
1129 FOLSOM STREET - south side between 7th and 8th Streets; Lot 99 in Assessor's Block 3755 - Mandatory Discretionary Review (per Resolution No. 16202) by the Planning Commission of Building Permit Application No. 200106252268 for the proposed conversion of approximately 1,600 square feet of business service space into a single residential unit within the Industrial Protection Zone. The owner, who operates a business on the site, would occupy this unit. The unit would require variances or exceptions from rear yard and open space requirements of the Planning Code. One off-street parking space would be provided. The site is within an SLR (Service/Light Industrial/Residential) Zoning District and a 50-X Height and Bulk District.  
Preliminary Recommendation: Do not take D.R. Approve the building permit.

SPEAKER(S):

(+) Josh Prior - Owner

- He purchased the building in 1970 and has lived there ever since.
- There have been a lot of changes in the neighborhood. There are neighbors who have supported him to build a unit in the back of this property.
- He hopes that the Commission approves the variances so he can construct a house for himself.
- There are no other housing units in the area.

(+) Carolyn Abst - Architect

- They are not trying to play fast and loose with zoning rules and city of San Francisco's general policy.
- They contacted the Planning Department for their advice but the rules changed.

- They have contacted the Board of Supervisors to try and "grandfather" this project, but they couldn't do that.
- They are not trying to play any games.

ACTION: Take Discretionary Review and Disapprove Project.  
AYES: Chinchilla, Fay, Lim, Salinas, and Theoharis  
NAYES: Joe  
ABSENT: Baltimore

- 19b. 2001.0801DV (PURVIS: 558-6354)  
1129 FOLSOM STREET - Section 134 of the Planning Code requires a rear yard of 25 percent of the lot depth for all dwelling units within the SLR District. The proposal would provide no rear yard space, but would provide 87 square feet of open space at the rear of the lot. Section 135 requires that open space for dwelling units in the SLR District must be at least 36 sf in size, with at least 30 percent of its perimeter unobstructed, and face onto an open area of at least 15 feet in every horizontal dimension. The proposed unit would have open space obstructed by a security gate and would face onto Decker Alley, which is only 10 feet wide. Section 140 requires that all dwelling units face on an open area of at least 25 feet in width or a Code-complying rear yard. The subject unit would meet this requirement only subject to the Zoning Administrator granting a rear yard variance. Alternatively, the Zoning Administrator has the authority under Section 307(g) to grant exceptions from rear yard and open space requirements in South of Market Districts.

SPEAKER(S): Same as those listed in item 19a.

ACTION: Acting Zoning Administrator closed the public hearing and was inclined to grant variance but with the denial of the permit application, the variance decision is on hold until the Commission's decision is appealed and acted upon.

#### G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

**THE DRAFT MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, NOVEMBER 8, 2001.**

# SAN FRANCISCO PLANNING COMMISSION

DOCUMENTS DEPT.

## Meeting Minutes

DEC 10 2001

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, October 11, 2001

SAN FRANCISCO  
PUBLIC LIBRARY

1:30 PM

### Regular Meeting

PRESENT: Theoharis, William W. Fay, Baltimore, Chinchilla Joe, Lim, Salinas

THE MEETING WAS CALLED TO ORDER BY PRESIDENT THEOHARIS AT 1:42 P.M.

STAFF IN ATTENDANCE: Gerald G. Green - Director of Planning; Larry Badiner - Zoning Administrator; Kenneth Chin; Dan DiBartolo; Mary Woods; Daniel Sirois; Michael Smith; Glenn Cabreros; Frank Jones; Patricia Gerber - Transcription Secretary; Linda D. Avery - Commission Secretary

#### A. ITEMS PROPOSED FOR CONTINUANCE

1. Discussion and consideration of proposed amendments to the Planning Commission's Inclusionary Housing Policy.  
Preliminary Recommendation: Approval  
(Continued from Regular Meeting of October 4, 2001)  
(Proposed for Continuance to October 18, 2001)

(GREEN: 558-6411)

SPEAKER (S): None

ACTION: Continued as proposed

AYES: Theoharis, Fay, Baltimore, Chinchilla, Joe, Salinas

ABSENT: Lim

2. 2001.0327C (WOODS: 558-6315)  
2038 CLEMENT STREET - north side between 21st and 22nd Avenues, Lot 32 in Assessor's Block 1412 - Request for Conditional Use authorization under Section 717.39 of the Planning Code to demolish an existing two-story building containing retail on the ground floor and two dwelling units on the second floor and construct a new, four-story building containing three parking spaces on the ground floor and three dwelling units above the ground floor in the Outer Clement Street Neighborhood Commercial District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Pending  
(Continued from Regular Meeting of September 20, 2001)  
(Proposed for Continuance to October 25, 2001)

SPEAKER(S): None

ACTION: Continued as proposed

AYES: Theoharis, Fay, Baltimore, Chinchilla, Joe, Salinas

ABSENT: Lim

3. 2001.1190C (SANCHEZ: 558-6679)  
2801-2825 CALIFORNIA STREET - southwest corner at Divisadero Street; Lot 001 in Assessor's Block 1028 - Request for Conditional Use authorization pursuant to Section 711.83 of the Planning Code to install a total of three antennas and GPS receiver on the roof with related connection to an equipment shelter within the basement of an existing three-story, mixed-use building, as part of Sprint PCS's wireless telecommunications network within an NC-2 (Small-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District. As per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the proposal is a Preferred Location Preference 5 as it is a mixed-use building within a high-density district.  
Preliminary Recommendation: Pending  
(Continued from Regular Meeting of September 20, 2001)  
(Proposed for Continuance to October 25, 2001)

SPEAKER(S): None

ACTION: Continued as proposed

AYES: Theoharis, Fay, Baltimore, Chinchilla, Joe, Salinas

ABSENT: Lim

4. 2001.0897D (SIDER: 558-6697)  
747 – 3<sup>rd</sup> STREET - northeast side between King and Townsend Streets, Lot 005 in Assessor's Block 3794 - Mandatory Discretionary Review of a "Dance Hall Keeper / Place of Entertainment" Police Permit at a property within the proposed Ballpark Vicinity Special Use District pursuant to Planning Commission Resolution Number 14844. The subject property is an existing restaurant and bar ('Curve Bar and Restaurant') located in an M-2 (Heavy Industrial) Zoning District, a 105-F Height and Bulk District, a Mixed-Use Housing Zone, and the proposed Ballpark Vicinity SUD.  
Preliminary Recommendation: Pending  
(Proposed for Continuance to October 25, 2001)

SPEAKER(S): None

ACTION: Continued as proposed

AYES: Theoharis, Fay, Baltimore, Chinchilla, Joe, Salinas

ABSENT: Lim

5. 2001.0254D (CABREROS: 558-6169)  
3040 STEINER STREET - east side between Filbert and Union Streets, Lot 050 in Assessor's Block 0534 - Request for Discretionary Review of Building Permit Application No. 9913355S, proposing to construct a one-story penthouse measuring approximately 10x15 feet (150 square feet) on top of the flat roof of the existing two-unit building, with access to a new 300 square-foot roof deck to contain a spa in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.  
(Continued from Regular Meeting August 16, 2001)  
(Proposed for Continuance to December 13, 2001)

SPEAKER(S): None

ACTION: Continued as proposed

AYES: Theoharis, Fay, Baltimore, Chinchilla, Joe, Salinas

ABSENT: Lim

6. 2001.0774D (M. SNYDER: 575-6891)

1 SOUTH PARK - southwest corner at 2nd Street, Lot 7 in Assessor's Block 3775 - Request for Discretionary Review of Building Permit Application No. 2000/08/26/8986 proposing to construct an additional floor within the existing building, change the use from manufacturing to business service use (for a total of 55,791 gross square feet of new business service use), and provide 28 attendant parking spaces. The property is within an SSO (Service / Secondary Office) District, a 40-X Height and Bulk District, a Mixed-use Housing Zone, and the South End Historic District.

Preliminary Recommendation: Pending

(Proposed for Continuance to December 20, 2001)

SPEAKER(S): None

ACTION: Continued as proposed

AYES: Theoharis, Fay, Baltimore, Chinchilla, Joe, Salinas

ABSENT: Lim

## B. COMMISSIONERS' QUESTIONS AND MATTERS

7. Consideration of Adoption - draft minutes of August 16, and 23, 2001.

ACTION: Approved

AYES: Theoharis, Fay, Baltimore, Chinchilla, Joe, Salinas

ABSENT: Lim

8. Commission Matters

**Commissioner Theoharis:**

*Re: Audit*

She would like for staff to keep the Commissioners informed on how much staff time is being used for this, what they are asking for and if this is having a negative impact on projects.

## C. DIRECTOR'S REPORT

9. Director's Announcements

**None**

10. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

**B of A: Zoning Administrator and Board of Permit Appeals – settled to suit on Live/Work and Conversion to Office**

11. 1999.885C

(CHIN: 575-6897)

679 - 24TH AVENUE - Design revision to the Sprint PCS installation approved on May 15, 2001 on Pacific Gas & Electric's Substation K. This revision includes the reduction in diameter of the two fiberglass cylinders on the roof from 14 inches to 6.25 inches without the addition of a parapet.

**INFORMATIONAL ITEM. NO ACTION TAKEN**

SPEAKER(s): None

**D. REGULAR CALENDAR**

- 12a. 2000.497CV (CHIN: 575-6897)  
611 JONES STREET - west side of Jones Street near the northwest corner of Jones and Geary; Lot 003 in Assessor's Block 0304 - Request for Conditional Use authorization pursuant to Sections 249.5(c)(14), 253(a) and 263.7 of the Planning Code to (1) demolish a single-family dwelling, (2) construct a building exceeding 40 feet in a Residential District, and (3) exception to exceed the base height limit of 80 feet. The proposed project is the construction an eight-story, 103 foot tall, seven unit condominium building, in a RC-4 (Residential-Commercial Combined, High Density) Zoning District, North of Market Special Use District-1 and an 80-130-T Height and Bulk District.  
Preliminary Recommendation: Approval with conditions.  
(Continued from Regular Meeting of August 23, 2001)

**SPEAKER(S):**

(+) Mr. Porter

- Supports the project

**ACTION:** Approved as amended:

- Sponsor to continue to work with staff on design prior to approval

**AYES:** Theocharis, Fay, Baltimore, Chinchilla, Joe, Lim, Salinas

**MOTION No.** 16256

- 12b. 2000.497CV (CHIN: 575-6897)  
611 JONES STREET - west side of Jones Street near the northwest corner of Jones and Geary; Lot 003 in Assessor's Block 0304 - Rear Yard Variance Sought: The proposal is to demolish a single family dwelling and construct an eight-story, 103 foot tall, seven unit condominium building, in a RC-4 (Residential-Commercial Combined, High Density) Zoning District, North of Market Residential Special Use District -1 and a 80-130-T Height and Bulk District. Section 134(a)(1) of the Planning Code requires a minimum rear yard of 21 feet 10 inches for the subject property, measured from the rear property line. The proposed building would encroach into the required rear yard by amounts varying approximately from 6 to 15 feet, thereby requiring a rear yard variance.  
(Continued from Regular Meeting of August 23, 2001)

**SPEAKER(S):** Same as those listed in item 12a.

**ACTION:** ZONING ADMINISTRATOR CLOSED PUBLIC HEARING AND HAS TAKEN THIS MATTER UNDER ADVISEMENT

13. 2000.1217C (DiBARTOLO: 558-6291)  
1100-1126 POLK STREET (AKA: 1092 POST STREET) - northeast corner of Post and Polk Streets; Lot 12 in Assessor's Block 692 - Request for Conditional Use authorization to allow amplified live and recorded music (defined as "Other Entertainment" by Planning Code Section 790.38) in an existing bar, d.b.a. The Lush Lounge, as required by Planning Code Section 723.48 in the Polk Street Neighborhood Commercial Zoning District and a 130-E Height and Bulk District.  
Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of September 13, 2001)

**SPEAKER(S):**

(+) Steve Black, Project owner

- This is a bar for all ages,
- This is a much need venue in the City
- Wonderful, especially for young people who do not know about the great singers of the earliest 40s and 50s

- This is not a gay bar
- (+) **Ross Owens**
- This is a wonderful place, and the best operated
  - One of the cleanest and best operated restaurants in the area
- (+) **John McCulloch**
- Encourages people who have dreams to pursue them
  - Asked the Commission to approve the project
- (+) **Richard Nichols**
- In support of the project
- (+) **Marcy Lavitore**
- Supports project
- (+) **Claudia (last name unclear)**
- It is a very safe and inspiring place
- (+) **Erick Trinkline, Singer**
- Had help (from this place) to develop his singing career
- (+) **Teresa Riley**
- We need to have a venue in order to grow and San Francisco needs to keep a place like this.
- (+) **Julie Drake**
- Supports project
- (+) **Gail Marco**
- It is an amazing place
  - Please keep this beautiful cabaret open
- (+) **Jane Marco**
- We need to keep this place. It is a heaven for the young singers
- (+) **Dan Kelller**
- Supports project
- (+) **John (last name unclear)**
- This bar has a great diversity
  - It is a place where people go for the music
- (+) **Bob Jules, Manager of the apartment building above the Lush Lounge**
- Never had any one in his building complaint about this bar
- (+) **Richard Stanton**
- Supports project
- (+) **Renee Branson**
- This place needs to stay open
- (+) **Larry Oleno**
- This is the perfect venue for this cosmopolitan city
- (+) **David Simon**
- This is a great friendly bar
- (+) **Unclear name**
- Supports project
- (+) **Dante (last name unclear)**
- Supports project
- (+) **Manager of the Lush Lounge**
- Wonderful place for everybody
  - It is the first cabaret of its class in this neighborhood
  - It has enhanced the neighborhood
- (+) **Joe O'Connell**
- Supports project
- (-) **Ms. Shirley Malloy**
- Noise is very loud and she does not get sleep at night
- (-) **John Malloy**
- This place keeps me awake all night
  - Has called police several times
  - Noise is very loud

**ACTION:** Approved as amended:

**1) Hours of operation:**

Wednesday – Saturday: 8:00 p.m. – 1:00 a.m.

Sunday – 4:00 p.m. – 9:00 p.m.

Monday & Tuesday – None

**2) Put up a sign to clients to be quiet when outside the restaurant**

**AYES:** Theoharis, Fay, Baltimore, Chinchilla, Joe, Lim, Salinas

**MOTION No.** 16257

14. 2001.0595C (WOODS: 558-6315)  
3478 CALIFORNIA STREET - north side between Locust and Laurel Streets, Lot 12 in Assessor's Block 1019 - Request for Conditional Use Authorization pursuant to Planning Code Sections 121.2, 303 and 713.21 to exceed the permitted use size of 5,999 sq. ft. for the expansion of an existing business or professional service use (Charles Schwab & Company, Inc.) from approximately 3,175 square feet to approximately 7,606 square feet in an NC-S (Neighborhood Commercial Shopping Center District) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Disapproval

**SPEAKER(S):**

(+) Daniel Harper, Representing Charles Schwab

- Provide off-site parking for their clientele
- Will provide jobs for the people of the city of San Francisco
- We have not received complaints from the merchants around the proposed project
- Urged the Commission to approve their project

(+) John Paloglou, Charles Schwab, Presidio Heights Branch Manager

- We need to provide privacy and security to our clients

(+) Mary Morrison, Senior Planning Manager

- Gave a description of the design

(+) Kate Lowrey, customer of Charles Schwab

- Stated that this company will be an asset to this neighborhood
- Approve their project

(+) Randy Brugiani

- Supports project

(+) Jeffrey Litke, Building Owner

- Parking spaces will be provided for the customers

(+) Craig Palmer

- It is a great convenience for neighbors in the area
- Urged Commission to move in favor for this project

(+) Stella Chu

- Neighborhood supports this project

(+) Wendy Wu

- Supports project

(+) Stephanie Lan

- This will benefit the community

**ACTION:** Public hearing closed. Passed a motion of intent to approve. Final

Language 11/8/01

**AYES:** Fay, Baltimore, Lim, Salinas

**NAYES:** Theoharis, Chinchilla, Joe

15. 2001.0552C (SIROIS: 558-6313)  
4610 MISSION STREET - north side of Mission Street, between San Juan Avenue and Norton Street, Lot 003 Assessor's Block 3206 - Request for Conditional Use Authorization by Metro PCS to install a wireless telecommunications facility pursuant to Planning Code Section 712.83, which includes the installation of eight panel antennas,

one GPS antenna and associated equipment cabinets in an NC-3 (Moderate-Scale Neighborhood Commercial) District and a 65-A Height and Bulk District. The subject site is a Preference Location 4.

Preliminary Recommendation: Approval with conditions  
(Continued from Regular Meeting of September 13, 2001)

**SPEAKER(S):**

(+) Debra Stein, representing Metro PCS

- Recommended that Commission approve and impose conditions on the project

(-) Tracy Hughes

- Disturbing that these people are not making any changes, any attempt to stop this application

- This is totally a bad act of faith

**ACTION:** Approved as amended:

- Existing Antenna Installation: No permit for the proposed antenna installation shall be granted until existing antennas are found to be in compliance with the 1996 Wireless Telecommunication guidelines. Authorization for the proposed antenna installation shall not be granted until plans showing modifications to the Verizon antenna facility have been reviewed against the 1996 Wireless Telecommunication Guidelines and have meet these guidelines to the satisfaction of the Planning Department.
- Property Maintenance. Upon approval of the conditional use authorization, the property owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each two weeks.

**AYES:** Theoharis, Baltimore, Chinchilla, Fay, Joe, Lim, Salinas

**MOTION NO.** 16258

- 16a. 2001.0685CR (SMITH: 558-6322)  
135 SANCHEZ STREET (SAN FRANCISCO FIRE STATION #6) - east side of the street between 14th and Market Streets, Lot 025 in Assessor's Block 3542- Request by Metro PCS for a General Plan Referral pursuant to Section 4.105 of the City/County Charter to install nine panel antennas, one GPS antenna, and ten equipment cabinets on the rooftop of a fire station located in a P (Public Use) District and 40-X Height and Bulk District.

Preliminary Recommendation: Finding of Consistency with the General Plan

**SPEAKER (S):**

(+) Debra Stein, representing Metro PCS

- Gave a very brief description of the project and asked Commission to approve application.

(-) Tracy Hughes

- Opposed the installation of more antennas in San Francisco

**ACTION:** Approved

**AYES:** Theoharis, Baltimore, Chinchilla, Fay, Joe, Lim, Salinas

**MOTION NO.** 16259

- 16b. 2001.0685CR (SMITH: 558-6322)  
135 SANCHEZ STREET (SAN FRANCISCO FIRE STATION #6), east side of the street between 14th and Market Streets, Lot 025 in Assessor's Block 3542- Request by Metro PCS for Conditional Use Authorization under Planning Code Sections 234.2 and 209.6 (b) to install nine panel antennas, one GPS antenna, and ten equipment cabinets on the rooftop of a fire station located in a P (Public Use) District and 40-X Height and Bulk District. The subject site is a Location Preference 1 site according to the *Wireless Telecommunications Services (WTS) Siting Guidelines*, as it is a publicly used structure.

Preliminary Recommendation: Approval with Conditions

**SPEAKER(S): Same as those listed in item 16a.**

ACTION: Approved  
AYES: Theoharis, Baltimore, Chinchilla, Fay, Joe, Lim, Salinas  
MOTION NO. 16260

At Approximately 4:10 PM the Planning Commission convened into a Discretionary Review (DR) Hearing to hear and act on Discretionary Review matters.

17. 2001.0596DDDDD (CABREROS: 558-6169)  
760 EL CAMINO DEL MAR - north side between Lake Street and 30th Avenue, Lot 2C in Assessor's Block 1307 - Requests for Discretionary Review of Building Permit Application Nos. 2000/1130/6911 and 2000/1130/6904 proposing to demolish an existing single-family house and construct a new 12,032 square-foot single-family house. The new house is proposed to be two stories in height (26'-6" from grade to top of parapet) at its street frontage with two additional below-grade levels exposed at the rear of the house on a down sloping lot. The project site is within an RH-1(D) (Residence, One-Family, Detached) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

(Continued from Regular Meeting of September 13, 2001)

**SPEAKER(S):**

**(+) Bob McCarthy, Representing Mr. Rosenstein, DR requestor**

- There is no Unsound Building Report for demolition on this house
- There has not been notification to the development community, to the activist and neighborhood organizations
- This is a 12,000 sq. ft. house in a neighborhood in which the average house is 4,300 sq. ft. There is not other house of this size.
- This house is too big
- Violates the privacy of my client

**(+) Brett Gladstone, representing Dr. & Mrs. Levin; Dr. & Mrs. Carter and Dr. & Mrs. Rosenberg, DR requestors**

- Did not get any plans this week
- Plans faxed to him were not legible
- Direct light and air circulation is very important to the health of one of my clients
- There are two aspects of the Wong's proposal that is insensitive to the Levin's; 1) original plans showed the garbage bin in the front yard. We simply asked that they put it in the garage. Instead they have been moved closer to the Levin's western bedroom window; 2) The Wongs decided to put a hot tub in the side yard between the two buildings. Why can't they do what the rest of the City does, which is, to put a hot tub in the back yard or on a deck?

**(+) Mrs. Dolores Levin**

- My only window that gives direct light and air circulation is the western window and now that will be totally blocked.

**(+) Dr. Sheldon Levin**

- Proposed plans are wrong
- His wife is very ill and the only window in her bedroom will be blocked.
- This is a huge project
- Soil report submitted by the Wongs is incomplete.
- Urged the Commission to not consider the application of this construction without a complete analysis of the soil report

**(+) Kate Carter, daughter of Dr. & Mrs. Carter**

- This home does not fit the neighborhood

**(+) Mrs. Martha Rosenberg**

- This house is out of proportion to the neighborhood

**(+) John Sanger, Representing one of the DR requestors**

- Had not seen plans submitted today
- This project is so clearly out of scale with the other houses in the neighborhood
- Applicant never wants to compromise about anything

**(+) Jeff Heller**

- The community design is on a very delicate scale
- This is a neighborhood with charm and original texture and it has consistency
- Density is out of proportion with the area
- This is dramatic a departure in terms of the relationship of buildings in the neighborhood

**(+) Pat Buscovich**

- There is not an unsound building report

**(+) Frank Rollo, Registered Geotechnical Engineer**

- There are no records of mudslides on the property
- Geotechnical reports prepared for the Wongs are complete with full detailed recommendations.

**(+) Peter Winkecstein**

- Supports the DR
- Supports the concern that the neighbors have about this project
- Concerned about the character, the size and placement of windows
- Concerned about the height of the building

**(+) Fran Schall**

- This is a dramatically big house--totally out of line. It will damage the character of seacliff
- Concerned about the precedent that will be set
- This is an outrageous proposal
- Urged the Commission to disapprove this project

**(+) Donna Furth**

- Concerned about the size and scale of the house

**(+) William Waste**

- This project is very offensive
- This house does not belong in this area

**(+) Stan Warren**

- This project is massively invasive

**(-) Alice Barkley, representing the project sponsor**

- Soil report submitted by the Wong's is complete and accurate
- There was an ample notification about the development to the community, activists and neighborhood organizations
- Gave a brief description of the project
- Asked Commission to approve this project

**(-) Ollie Lundberg, project architect**

- Gave a very detailed description of the project

**(-) Robert Allen**

- It is really a dynamic project to put on the seacliff
- Seacliff needs changes, this project will give a different statement
- Urged the Commission to approve project

**(-) Mary Philips**

- In support of the project

**(-) Joe Cassidy**

- In support of the project

**(-) Ben Ng**

- This will be an addition of a fine family home to this wonderful neighborhood

**(+) Emmanuel Shiu**

- His sister is planning to build this house to help him with his handicap disabilities

**(-) Michael Willis**

- This project is well designed and will compliment the neighborhood

**(-) Daniel Barry, Attorney, representing David Hue**

- Supports project

**(-) Joe O'Donoghue**

- Supports project

**ACTION:** Take Discretionary Review and approve the project with modifications:

- Proposed solar panels on the roof shall not project above the height of the parapet.
- Property line walls/fences shall be no more than 6 ft. and will be lower than the existing walls on the Rosenstein's east property line and similar in height to the existing fences on the property line adjacent to the Levin's lot.
- Eliminate the proposed trash enclosure between the subject building and the Levin residence at the front yard.
- The overall massing and volume shall be articulated to address the monotony of the side faces and the level roof/parapet line.
- At the top level (level above the garage), the rear northeast corner of the proposal shall be set back 22 ft. from the rear wall and 8 ft. from the side wall. At the street (garage) level, the rear northeast corner of the proposal shall be set back 11 feet from the rear wall and 8 ft. from the side wall.
- At the garage level, the walls and door containing the garage should be setback from the front and side to create shadow lines and to decrease the boxiness of the design.
- The entrance canopy shall be reduced to a height that is more residential in scale.
- On the proposed building, the palette of exterior finish materials used shall be reduced/simplified, particularly on the front façade. Natural-finished wood shall not be used, as it is not characteristic of the block-face.

**AYES:** Fay, Chinchilla, Joe, Lim

**NAYES:** Theoharis, Baltimore, Salinas

18. 2001.0703D (SMITH: 558-6322)  
1151 CHURCH STREET - east side of the street between 23rd and 24th Streets , Lot 029 in Assessor's Block 3650 - Request for Discretionary Review of Building Permit Application Nos. 2001/02/06/1454 and 2001/02/06/1455, proposing to demolish an existing one-story over basement, single-family dwelling and construct a four-story over two basement levels five unit building with a stair penthouse at the rear that extends 8'-0" above the height of the roof, located in a RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

**SPEAKER(S):**

(+) Delvin Burkbanks, DR Requestor

- Asked Mr. Graff to do the presentation regarding the case

(+) Leonard Graff

- It is a sound building and does not need to be demolished
- This project presents a major safety issue for people with disabilities
- Concerned about the driveway which it is right in front of a crosswalk

(+) Lauren Bruder

- It is out of scale
- Will have a bad impact on the neighborhood

(+) Lisa Tongue

- Concerned about parking

(+) Mara Tongue

- Concerned about the garage being across a cross walk
- Concerned about the ADA issue

(+) Perry Dobson

- Urged the Commission to disapprove the project

(+) Tracy Hughes

- Our neighborhood has become a terrorist zone
- It will change the character of the building

(+) Joshua Yocuk

- Disapprove the project

**(+) Dale Ravenoff**

- His kitchen will be in complete darkness
- His only lightwell will be blocked

**(-) Alice Barkley, representing project sponsor**

- Mentioned to Commission about the unsound report from the Building Department
- Building was in fact vacant, before it was purchased
- Indicated to the Commission that the friends of Project Sponsor are living there to prevent the building from being vandalized
- Garage driveway is in the same location as it is now, to her knowledge there has not been any incident to address the concern about safety
- Urged Commission to approve the project

**(-) Project Architect**

- Gave a description of the changes done on the plans

**(-) Joe O'Donoghue**

- Supports project

**ACTION:** Take Discretionary Review and approve with modifications:

- Install a light well along the north side property line to match the adjacent neighbor's light well.
- The permit applicant must work with Department staff to improve the design of the proposed project, particularly to uniform the roof and the front elevation.
- Move the garage entrance from the crosswalk to the north side of the property.

**AYES:** Theoharis, Fay, Chinchilla, Baltimore, Lim, Salinas

**NAYES:** Joe

19. 2001.0773D (JONES: 558-6477)
- 154 DEL VALE AVENUE - south side between Encline Court and Arroyo Way, Lot 012 in Assessor's Block 2949A - Request for a Discretionary Review of Building Permit Application 2000/10/11/2649 to construct a new third story and a rear horizontal addition to the existing two story, single-family dwelling in an RH-1 (Residential, House, Single-Family Dwelling) District and a 40-X Height and Bulk District.
- Preliminary Recommendation: Do not take Discretionary Review. Approve the building permit as revised.

**SPEAKERS:**

**(+) Hilary Mahon**

- Would cause a considerable loss of air and light to her property

**(+) Pauline Kilkelly**

- Concerned about the size of the project

**(+) Monika Neuendorf**

- Concerned about the size
- Would lose a lot of air and light

**(+) Don Lorenson**

- Will destroy the character of the neighborhood

**(+) Joseph Keawkalaya**

- Urged the Commission to take Discretionary Review and disapprove the project

**(+) Elizabeth Keawkalaya**

- Disapprove the project

**(+) (Name unclear)**

- Concerned about the size and scale of the house

**ACTION:** Do not take Discretionary Review and approve as revised

**AYES:** Theoharis, Baltimore, Chinchilla Fay, Joe, Lim, Salinas

**F. PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been

reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

SPEAKER (S):

**Abdalla Megahed**

Re: Helping homeless in the City

**Joe O'Donoghue**

Re: Sue Hestor's interpretation of the Marsha Rosen Discretionary Review case

**Linda Avery**

Re: - Reminded Commissioners about next weeks joint hearing with the Rec./Park Commission

- Reminded Commissioners that next week she will leave the hearing early--5:00 p.m.

Adjournment: **8:45 p.m.**

**THE DRAFT MINUTES WERE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, DECEMBER 6, 2001.**

SPEAKERS: None

ACTION: Approved as corrected: page 7, item 15, ACTION: Existing Antenna Installation: No permit for the proposed antenna installation shall be granted until existing antennas are found to be in compliance with the 1996 Wireless Telecommunication guidelines. Authorization for the proposed antenna installation shall not be granted until plans showing modifications to the Verizon antenna facility have been reviewed against the 1996 Wireless Telecommunication Guidelines and have meet these guidelines to the satisfaction of the Planning Department.

AYES: Baltimore, Joe, Lim, Salinas, Theocharis

ABSENT: Chinchilla and Fay

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, October 18, 2001

1:30 PM

DOCUMENTS DEPT.

DEC 10 2001

SAN FRANCISCO  
PUBLIC LIBRARY

PRESENT: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis  
ABSENT: None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT THEOHARIS AT 1:50 p.m.

STAFF IN ATTENDANCE: Gerald G. Green, Director of Planning; Larry Badiner, Zoning Administrator; Amit Gosh; Miriam Chion; Teresa Ojeda; Dan Sirois; Vahram Massehian; Matt Snyder; Ben Fu; Dan Sider; Glenn Cabreros; Rick Crawford; Nora Priego, Transcription Secretary; Linda Avery, Commission Secretary

### A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 1a. 2001.0781CR (VELVE: 558-6263)  
2155 – 18<sup>TH</sup> AVENUE - (San Francisco Fire Department Station #40), west side between Quintara and Rivera Streets, Lot 003, Assessor's Block 2199 - Request for General Plan Referral to install a total of three (3) panel antennas and related equipment at an existing two-story publicly-used structure (a fire station) as part of Metro PCS's wireless telecommunications network within a RH-1 (House, One Family) Zoning District, and within a 40-X Height and Bulk District.

Preliminary Recommendation: Finding of conformity with the General Plan.

(Proposed for Continuance to October 25, 2001)

SPEAKER(S): None

ACTION: Continued to October 25, 2001

AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

- 1b. 2001.0781CR (VELLVE: 558-6263)  
2155 – 18<sup>TH</sup> AVENUE - (San Francisco Fire Department Station #40), west side between Quintara and Rivera Streets, Lot 003, Assessor's Block 2199 - Request for Conditional Use Authorization pursuant to Section 209.6(b) of the Planning Code to install a total of three (3) panel antennas and related equipment at an existing two-story publicly-used structure (a fire station) as part of Metro PCS's wireless telecommunications network within a RH-1 (House, One Family) Zoning District, and within a 40-X Height and Bulk District. As per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the proposal is a Location Preference 1 (Preferred Location – Publicly-Used Structure).

Preliminary Recommendation: Approval with conditions  
**(Proposed for Continuance to October 25, 2001)**

SPEAKER(S): None

ACTION: Continued to October 25, 2001

AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

2. 2001.0540C (DiBARTOLO: 558-6291)  
865 STOCKTON STREET - southwest corner at Clay and Stockton Streets; Lot 001 in Assessor's Block 0224 - Request for Conditional Use authorization pursuant to Section 812.82 of the Planning Code to install a total of three antennas to be flush-mounted on the sides of the fourth-story balconies and to install five screened equipment cabinets to be located on the rooftop of the existing four-story structure as part of Sprint's wireless telecommunications network within the Chinatown Residential Neighborhood Commercial District and a 65-85-N Height and Bulk District. The site is a Preference 1 (Preferred location site) per the City & County of San Francisco's Wireless Transmission Services (WTS) Facilities Siting Guidelines

Preliminary Recommendation: Pending  
**(Proposed for Continuance to November 15, 2001)**

SPEAKER(S): None

ACTION: Continued to November 15, 2001

AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

3. 2001.0700C (DiBARTOLO: 558-6291)  
501- 507 HOWARD STREET - southwest corner at Howard and First Streets, Lot 121 (formerly lots 1, 2, 3A, 4 and 116) in Assessor's Block 3736 - Request for temporary two year Conditional Use authorization for a public commercial surface parking lot in a C-3-0(SD) District and a 200-S Height and Bulk District. The proposal is to construct a temporary expansion to an existing parking lot on the subject vacant site. The Conditional Use authorization would be valid for two years only as an interim use. The Site consists of (5) five former lots merged into a new lot. The existing surface parking lot occupies 56% or 16,500 square feet of the 29,715 square foot newly merged lot. The proposal would expand the temporary parking use to cover the entire site. The parking capacity will be increased by 15 cars, for a total of 110 self-park spaces, including five handicapped spaces.

Preliminary Recommendation: Pending  
**(Proposed for Continuance to November 15, 2001)**

SPEAKER(S): None

ACTION: Continued to November 15, 2001

AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

4. 2001.0499DDDD (SMITH: 558-6322)

2340 DIAMOND STREET - south side of the street between Conrad and Hiliritas Streets, Lot 030 in Assessor's Block 7552 - Requests for Discretionary Review of Building Permit Application No. 2001/02/20/2471, proposing to construct a one-story vertical addition with a second floor deck facing east, located in a RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Preliminary Recommendation: Approve the Project as revised

**ALL DISCRETIONARY REVIEW REQUESTS HAVE BEEN WITHDRAWN**

**B. COMMISSIONERS' QUESTIONS AND MATTERS**

5. Commission Matters

**Commissioner Salinas:** Requested a hearing on unsound building reports issued by the Department of Building Inspection.

**Commissioner Theoharis:** The policy should be on whether we require a report when there is a demolition of a building and the elimination of affordable housing, or should we have the report on all projects.

*Director Green responded that he will schedule time with DBI staff and there will be a hearing on this item on the first or second hearing of November.*

**Commissioner Chinchilla:** Requested a report on Conditional Use Appeals.

**C. DIRECTOR'S REPORT**

6. Director's Announcements

- He will report on the changes to the Department's budget/work program in November
- There is a proposal that would empower residents and business owners in the neighborhood of a CU to bring an appeal to the Board of Supervisors. This would be by petition process. The language would be removed which was amended and it would require 5 Board of Supervisors to pull it up.

7. Review of Past Week's Events at the Board of Supervisors and Board of Appeals  
BOS – None  
BOA – None

**D. REGULAR CALENDAR**

8. (GREEN: 558-6411)  
Discussion and consideration of proposed amendments to the Planning Commission's Inclusionary Housing Policy.  
Preliminary Recommendation: Approval  
(Continued from Regular Meeting of October 11, 2001)

**SPEAKER(S):**

**(+) Joe LaTorre – Mayor's Office of Housing.**

- The items that are listed in the letter he submitted to the Commission are not focused on the appropriate percentage of units or even the income levels that should be targeted.
- The purpose of this list would be to begin a process of thinking, not because there is any definite outcome.

**(+) Dr. Arelious Walker – Pastor of the Church of God in Christ**

- He would like to talk about affordable housing offsite (of any particular development project).
- Affordable housing in the Bay View is not going well.

- He has been trying to find a solution to this problem for years.
- He has lost up to 35 families who have moved to other areas of the Bay Area because they cannot afford housing.

**(+) Marty Dalton – Private Developer – UPC Holdings**

- He was thrilled when Dr. Walker came to him to build affordable housing.
- He shares the vision of Dr. Walker to move some of the inclusionary housing from market rate housing to the neighborhoods to produce affordable housing where it's most needed.
- They did an analysis by looking at the cost of production of housing in a high-rise site downtown and the cost of housing in a low-rise neighborhood offsite. This would produce more units of the same quality in a smaller amount of time.
- He would like to have the support of the Commission to formulate this mechanism and make this happen.

**(+) Kelley Dearman – Haight Street Mortgage Co.**

- There are a lot of people who feel that they cannot afford a home. They help people to be able to afford affordable homes.
- They have held 1 credit repair and pre-qualification seminar in the Bay View district that had great attendance.
- There are a number of people who are anxious to be homeowners in San Francisco if the opportunity presents itself.

**(+) Reverend Arnold Townsend**

- They wanted to present a tangible project to show the Commissioners what they mean by moving inclusionary housing off-site where possible. This would be a good thing for the Commission to adopt as a policy.
- This would provide stability in certain communities that need it so badly.

**(+) Tania Alexander – Caring and Restoration Homes/True Hope Church**

- She is a native San Franciscan.
- She is one of the persons that Reverend Townsend and Dr. Walker have spoken about since she has had to move away from San Francisco because she couldn't afford to live here.
- All of the work that they (her and her husband) do with the community is done in San Francisco. Yet she has to cross two bridges in order to come to San Francisco.

**(+) Lynn Sedway – Real Estate and Urban Economist and Consultant – Sedway Group**

- The Commission is challenged today with the goal that many people have of producing more affordable housing.
- Her firm has worked on this for many years. It seems easy to increase the percentage of inclusionary housing. Yet this will cause less housing to be built--particularly in high-rise developments downtown.

**(+) Gregory Richardson – Richardson Consultant**

- He is in full support of the inclusionary process.
- In order for a City to grow, the community must be stable and have a base. Without a base there is no hope.
- All Americans have a dream to one day own a home.
- Please consider what is being put on the table and make decisions with harmony and understanding.

**(+) Rev. Ed Stewart – Community Assembly of God**

- He is in support of this inclusionary process.
- This will provide fine young people in his congregation to be able to find a home.
- This will help to retain energetic and viable people, encouraging them to remain in this City.

**(+) Bill Poland**

- There are some aspects of Mr. Gosh's presentation that he disagrees with on costs.
- He has a housing affordability study by Recurs University that was handed out by Urban Land Institute in Boston (he submitted it to the Commissioners).
- The target of necessary housing is understated.

- There are people that want to live here that work in other cities in the Bay Area.
- Demand is very high.

**(+) Pamela Duffy**

- She would like to suggest that the Commission consider the inner relationships of various programs designed to deal with housing generation and housing demand through all segments of the housing consumer marketplace ranging from the very low income to the market rate consumer of housing.

**(+) Calvin Welch – Council for Community Housing Organizations**

- He is here to point out that non-profits cannot build their way out of the affordability housing problem and the importance of the inclusionary zoning requirement is key. This would involve the for profit housing development sector.

- His other point is the extraordinary nature of the affordability gap.

**(+) Bob Myers – Architect and City Planning Consultant**

- He wanted to summarize the survey that his firm did regarding affordability and inclusionary requirements all the way from San Jose to Sacramento.

- The typical city has either no affordability requirements or 10 percent at the maximum. Only three jurisdictions exceed that by 15 percent the increased 5 percent above the 10 percent is at 100 percent of median. That is where they negotiate height, density and parking bonuses.

- The cities that are considering increasing the affordability requirements are worried that they will drive market-rate housing developers away to other communities.

**(-) John Bardis**

- Mr. Gosh has made an interesting case. This is a program that will help improve something that will provide housing to those who might afford it, but the cost of the program would inflate the price of the market-rate housing that would be produced by the same project.

- This would be a flaw in the program.

**(+) Tim Tosta – Steffel, Levitt and Weiss**

- He recognizes the great complexity and difficulty in changing a policy that has so many needs to meet.

ACTION: No Action Taken. Public Comment remains open. Item will be brought back to the Commission in November.

9. 2001.0522C (SIROIS: 558-6313)  
965-985 GENEVA AVENUE - south side of Geneva Avenue between London and Paris Streets, Lots 006, 007, 008, 009, 010, Assessor's Block 6409 - Request by Metro PCS for Conditional Use authorization to install a wireless telecommunications facility pursuant to Planning Code Section 712.83 which includes the installation of nine panel antennas, one GPS antenna and equipment cabinets at the Apollo Theater which is located in an NC-3 (Moderate-Scale Neighborhood Commercial) District and a 65-A Height and Bulk District. The subject site is a Preference Location 4.  
Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of October 4, 2001)

SPEAKER(S):

**(+) Debra Stein – Representing Sprint PCS**

- This is a preference 4 site.
- There have been letters of support and letters of opposition.
- There was an alternative site, yet the Apollo Theatre was a preferred site.

**(+/-) Steven R. Currier – Outer Mission Residents Association**

- At first, they took a position against this antenna installment. Yet after learning the conditions imposed by the Planning Department, his organization has no position on this project.
- There are some apartments at the Apollo Theatre.
- This building has been an eyesore for many years.

**(+/-) Boris Delepine – Office of Supervisor Gerardo Sandoval**

Good afternoon Commissioners; my name is Boris Delepine, Legislative Assistant to Supervisor Gerardo Sandoval. Last Thursday the Housing, Transportation, and Land Use Committee of the Board of Supervisors continued legislation that would place a six month moratorium on cell phone antenna installations in San Francisco for 60 days. This item was continued pending the review of installation guidelines. Members of the cell phone industry have agreed to work with the San Francisco Neighborhood Antenna-Free Union and residents, to formulate a plan to deal with this complicated issue. This working group will return in 60 days with recommendations on an overall siting plan for San Francisco as a whole. Our office is asking that you not approve this item at this time. Rather, we are asking that you consider continuing the item for 60 days. By continuing this item, we can proceed with a consistent citywide plan. Thank you.

**(+) Lawrence Lee**

- He is the owner of the subject building.
- This building has been vacant for over 10 years. It has been vandalized and homeless people have been living there.
- His plan is to renovate the shopping corridor of Geneva Street.
- Cell phones are no longer a luxury, they are a necessity.
- It is critical to start building up the wireless telecommunications infrastructure.

**(+) Blanch Simons**

- She lives next door to the subject property.
- She was the manager for many years.
- There has been vandalism at the building.
- She hopes that the Commission will approve this project.

**(-) Peter del Valle**

- He is a resident across the street from the subject property.
- If this project is approved, the Commission can be sure of an appeal.

ACTION: Approved as amended:

Property Maintenance. Upon approval of the conditional use authorization, the property owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each two weeks.

AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

MOTION: 16262

10. 2001.0667C (MASSEHIAN: 558-6363)  
3352 STEINER STREET - east side between Chestnut and Lombard Streets, Lot 022 in Assessor's Block 0491 - Request for Conditional Use Authorization under Planning Code Section 711.43 to allow the establishment of a bakery/café (Boulange Marinette) of approximately 2,500 square feet which is considered a large fast food restaurant pursuant to Planning Code Section 790.90 in an NC-2 (Small-Scale Neighborhood Commercial District) and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

**SPEAKER(S):****(+) Alfred Sanchez**

- This is a quality bakery.
- He spoke to everyone in the neighborhood as well as the various neighborhood associations and everyone supports this project.

ACTION: Approved as amended: 1) there will be no wholesale sales. 2) Property Maintenance. Upon approval of the conditional use authorization, the property owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal,

and washing or steam cleaning of the main entrance and abutting sidewalks at least once each two weeks.

AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis  
MOTION: 16263

- 11a. 2000.692CV (M.SNYDER: 575-6891)  
2200 MISSION STREET - southwest corner at 18th Street, Lot 1 in Assessor's Block 3589 - Request for Conditional Use authorization for: (1) the development of a site larger than 9,999 square feet pursuant to Planning Code Section 712.11 and 121.1; (2) the establishment of a use that would be larger than 5,999 gross square feet pursuant to Planning Code Section 712.21 and 121.2; and (3) for the development of housing with fewer than 25-percent affordable units and for the establishment of a use that would be larger than 2,999 gross square feet pursuant to the Board of Supervisors Resolution Number 518-01 (Mission District Interim Controls). The subject lot is within an NC-3 (Neighborhood Commercial, Moderate-Scale) District, and falls both within a 50-X and 65-B Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) Howard Mo

- He opened a family-owned grocery store in 1987.
- He and his wife have worked very hard.
- By approving this project, there will be more housing and more local employment.
- This would be a better future for the neighborhood.

(+) T.C. Chen - Project Architect

- They are proposing a project that will improve the appearance of the area. It will maintain and not destroy the existing business. This project will also increase rental units.
- The details of the exterior are similar to the surrounding buildings.
- This project also has support from the Chinese Merchant's Association.

(+/-) Ada Chan - Mission Anti-Displacement Coalition

- There are various aspects of this project that they are in agreement with.
- They would like to have 25 percent affordability as a benchmark.
- They are neutral but she wanted to highlight both sides.

(+/-) Eric Quesada - Mission Anti-Displacement Coalition

- They know they have to work with the developers to try to get affordable housing.
- They are excited about this project in the neighborhood.

ACTION: Approved as modified: That one additional unit will be designated as an affordable unit. The affordable unit is required to be available to household's that make between 80 and 120-percent of median income per the Guidelines set forth by HUD and the Mayor's Office of Housing.

AYES: Baltimore, Joe, Lim, Salinas  
NAYES: Fay, Chinchilla, Theoharis  
MOTION: 16264

- 11b. 2000.692CV (M.SNYDER: 575-6891)  
2200 MISSION STREET - southwest corner at 18th Street, Lot 1 in Assessor's Block 3589 - Mandatory Discretionary Review of a change of use from a grocery store and public parking lot to a grocery store, laundry, and apartment building. Board of Supervisors Resolution No. 518-01 requires mandatory Discretionary Review for any change of use within the Mission District. The subject lot is within an NC-3 (Neighborhood Commercial, Moderate-Scale) District, and falls both within a 50-X and 65-B Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed

SPEAKER(S): Same as those listed in item 11a.  
ACTION: Did not take Discretionary Review. The project was approved as modified: That one additional unit will be designated as an affordable unit. The affordable unit is required to be available to household's that make between 80 and 120-percent of median income per the Guidelines set forth by HUD and the Mayor's Office of Housing.  
AYES: Baltimore, Joe, Lim, Salinas  
NAYES: Fay, Chinchilla, Theoharis

- 11c. 2000.692CVD (M.SNYDER: 575-6891)  
2200 MISSION STREET - southwest corner at 18th Street, Lot 1 in Assessor's Block 3589 - Request for a Rear Yard modification pursuant to Planning Code Section 134(e), which allows the Zoning Administrator to waive or modify the rear yard requirement in Neighborhood Commercial Districts. Planning Code Section 134(a)(3) requires a minimum of a 40-foot deep rear yard for the proposed project at each level where residential units would be located. The proposal would include parking within the rear yard area on the second level; the second level would include residential units on the front (Mission Street) side of the building. Because parking is not permitted in the rear yard, the second level would not be considered to have a code-complying rear yard. The subject lot is within an NC-3 (Neighborhood Commercial, Moderate-Scale) District, and falls both within a 50-X and 65-B Height and Bulk District.

SPEAKER(S): Same as those listed in item 11a.  
ACTION: The Zoning Administrator granted the Variance

## E. DISCRETIONARY REVIEW HEARING

At Approximately 5:10 PM the Planning Commission convened into a Discretionary Review (DR) Hearing to hear and act on Discretionary Review matters.

12. 2001.0716D (FU: 558-6613)  
1199 SOUTH VAN NESS AVENUE - Northeast corner of 23rd Street and South Van Ness Avenue, Lot 025 in Assessor's Block 3638 - Mandatory Discretionary Review of Building Permit Application Number 2001/07/16/3762 proposing to change the limited commercial use from business service to retail sales in a RH-3 (Residential, House, Three-Family) District with a 50-X height and bulk designation.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

SPEAKER(S):  
(+) **Mousa Aldababneh**  
- This is a wonderful spot to open a café.  
- There are no coffee shops around this area.  
- They just won an award--"the best place to meet the neighbors".  
- He has letters of recommendations as well as one from Supervisor Daly.  
(+) **John Maimone**  
- He lives on South Van Ness.  
- He is excited about this coffee shop opening up.  
- He would like to have a commitment from the proprietor to make sure that the street will not be littered.  
(+) **Abraham Aldababneh**  
- His brother is the project sponsor.  
- His brother has been running a coffee shop for the past 5 years.  
- His brother is well liked by the neighbors.  
ACTION: Take Discretionary Review and add the following street cleaning condition: Property Maintenance. Upon approval of the conditional use

authorization, the property owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each two weeks.

AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

13. 2001.0895D (SIDER: 558-6697)  
3248 – 22<sup>ND</sup> STREET - north side between Mission and Bartlett Streets, Lot 009 in Assessor's Block 3616 - Mandatory Discretionary Review of Building Permit Application Number 2001/08/02/5145 proposing to (1) change the use of ground level commercial space from 'other retail sales and services' (Planning Code Section 712.40) to 'full-service restaurant' (Planning Code Section 712.42), (2) perform interior renovations, and (3) perform façade alterations. Discretionary Review is required by Board of Supervisors Resolution Number 518-01 (Mission District Interim Controls) for any permit proposing to change the use of a property within the Mission District. The subject property is currently a vacant grocery and flower store located in an NC-3 (Moderate Scale Neighborhood Commercial) Zoning District, a 50-X Height and Bulk District, the Mission Alcoholic Beverage Special Use Sub-district, and the Mission Street Fast Food Sub-district.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

SPEAKER(S):

(+) Terry Chastain – Owner, Papa Toby's

- He started his restaurant when the area wasn't that good.
- He is an artist so he supports artists and making sure that the people enjoy their stay there.
- He hopes that the Commission approves this project.

ACTION: Take Discretionary Review and add the following street cleaning condition: Property Maintenance. Upon approval of the conditional use authorization, the property owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each two weeks.

AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis

14. 2001.0694D (CABREROS: 558-6169)  
37 WEST CLAY STREET - south side between 22nd and 24th Avenues, Lot 033 in Assessor's Block 1336 - Request for Discretionary Review of Building Permit Application No. 2001/0404/5988 proposing to add a third floor to an existing two-story over basement, single-family residence in an RH-1(D) (Residential, House, One-Family, Detached) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the plans as submitted.

SPEAKER(S):

(-) Tim Falvey – DR Requestor

- He and his wife decided to file a DR after a community meeting when he realized that the project sponsor sought the approval of his neighbors on West Clay street but not the other surrounding neighbors especially the ones that would be the most impacted by this 3<sup>rd</sup> floor addition.
- Their issues are against the design since it does not meet the neighborhood design guidelines.
- The proposed building will make this house significantly taller than the surrounding homes.

**(-) Henry Shain**

- He has lived on Lake Street for about 17 years.
- He knows that there are other signed letters that are opposed to this project but could not be here.
- No one on West Clay Park has ever built up.
- The project sponsor is spending a million dollars to construct guest bedrooms and it is impacting the whole neighborhood.

**(-) Marlene Forde**

- She lives on Lake Street.
- She really loves her neighborhood and is concerned about setting a precedent.
- This is a sweet little community and she doesn't want to see it changed.

**(-) Bill Buda**

- He and his wife live on Lake Street.
- They are opposed to this project because housing on West Clay Park has been the same for many years.
- He would like to keep the same structure, the same uniqueness of West Clay Park as it is.

**(+) Scott Emblidge – Representing the Project Sponsor**

- This is definitely a good neighborhood for families. That is why the project sponsor would like to remain here.
- There are mixed designs throughout the neighborhoods.
- The proposed project will be three stories over a basement. This third floor will have less than 1,000 square feet and because of the way the home is configured it will only add 6 feet to the height of the building. They will be building into an existing attic.
- The project sponsor has taken into account the issues that the neighbors have had and has revised their plans.

**(+) Betsy Bloomenthal**

- They recently moved to the Bay Area.
- In addition to having a guest room they would also like to have an office. This would cause them to loose a bedroom.
- When they first wanted to do this construction, they walked through the neighborhood with their architect to make sure that this construction to their house would fit the character of the neighborhood.

**(+) Jonathan Root**

- Even before they presented anything to the Building Department, he presented the plans for the construction of his home to Mr. Falve.
- They have revised the design many times.

**(+) Gary Millar – Project Architect**

- In designing this project, he has tried to be very sensitive to the character of the neighborhood and to the neighbors' concerns.

**(+) Bea Baldeuf**

- She and her husband have lived on West Clay Park for 39 years.
- She feels that the project sponsor has taken a great deal of thought with their architect to make an attractive addition.
- She supports their project.

**(+) Arlene Getz**

- She has lived on West Clay Park since 1950.
- She is the 3<sup>rd</sup> oldest resident of this neighborhood.
- She supports this project wholeheartedly.

**(+) Milton F. Reiterman**

- He has been a resident of West Clay Park for 31 years.
- He supports the project and the project sponsor and their family.

**(+) Phil Arnantou**

- He lives right next to the proposed addition.
- He feels that the project sponsor has totally cooperated with the neighborhood concerns.

- He supports the project.

**(+) James Steyer**

- This is a very nice family community.
- The project sponsor has contacted everyone asking for his or her opinions and concerns.

- He supports this project completely.

ACTION: Did not take Discretionary Review and approved the project as submitted.

AYES: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas

NAYES: Theoharis

15. 2001.0891D (TAM: 558-6325)

1701 OCEAN AVENUE - on the southwest corner of Ocean and Faxon Avenues, on Lot 001 of Assessor's Block 6934 - Request for Discretionary Review of Building Permit Application No. 2001/06/18/1799 proposing a change of use from a retail space (a retail mattress store), to an office (insurance business) in a NC-2 (Neighborhood Commercial, Small-Scale) District and 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

SPEAKER(S): None

ACTION: Discretionary Review Withdrawn

16. 2001.0910D (CRAWFORD: 558-6358)

1 PALO ALTO DRIVE (AKA 1 AVANZADA AKA 250 PALO ALTO) - Assessor's Block 2724; Lot 003 - Staff initiated Discretionary Review of Building Permit Application No. 2001/07/31/4957 for installation of three flush mount panel antennas and one GPS antenna on the third level of Sutro Tower, and installation of related equipment cabinets enclosed in the third level of the tower. This project lies within the RH-1, Residential House, One Family District and within a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions.

SPEAKER(S):

**(+) Debra Stein – Representing Metro PCS**

- She thanked the planner for doing a great job on this project.
- She clarified that it is not certain that the antennas will be removed. This is a business decision that Metro PCS will make.
- Sutro Tower is a consolidated communications tower that was designed to serve the entire City.
- Sutro Tower is one of the most secure infrastructure facilities in the City of San Francisco.
- There have been some suggestions that it is necessary to put an antenna on this tower.
- This is a standard cellular antenna. It has no structural, visual or health impacts.

**(-) Sean Elsbernd – Legislative Aid to Supervisor Tony Hall**

- Supervisor Hall shares the concerns of the neighbors in the immediate vicinity of Sutro Tower.
- The neighborhoods near Sutro Tower are very unique neighborhoods. These neighborhoods have to deal with a large amount of antennas. Yet, how much is too much? At what point do we reach the saturation point?

**(-) Shaw-Lin Chen – Homeowner and Midtown Terrace Homeowners Association**

- She is speaking on behalf of the 842 homeowners in the Midtown Terrace Homeowners Association.
- Approval of this permit would bring over 240 antennas to over 5 antenna sites.
- This residential neighborhood is already saturated with antennas.
- On October 1, the neighborhood requested a meeting with the project sponsor and with Sutro Tower. The meeting occurred on October 10. The neighborhood learned that this

site is not technologically necessary for Metro to deliver services to its customers. The neighbors also learned Metro customers would be better served by a system that is relatively low to the ground, more typical of the wireless industry.

- The fact that the other wireless carriers can deliver service to its customers without antennas on Sutro Tower suggests that this is technologically feasible for Metro as well.
- The neighborhood residents should not have to bear the consequences of Metro's poor planning.
- There are other safety issues regarding this proposal as well.

(-) **Doris S. Linnenbach -**

- Since 1966, she has been attending meetings regarding Sutro Tower.
- This tower was a television tower and an FM tower. She was never told that this tower would have so much cellular antennas.
- She would like to have the Commission take Discretionary Review and be allowed to have some meaningful dialogue with Sutro Tower.

(-) **Tracey Hughes - SNAFU**

- She hopes that the Commission listens to the people here who are against this project.
- All antennas need to follow the WTS Guidelines and this does not. Maybe it's tricky and it can be exempt but she is not sure.
- There are different frequencies that antennas use and it could cause problems with frequencies for 911.
- Members of the community do not have "big hot shot" lawyers to do their research for them.
- It's time that these antennas are stopped.

ACTION: Did not take Discretionary Review and approved the building permit with the standard conditions for facilities on Sutro Tower.

AYES: Baltimore, Chinchilla, Fay, Joe, Salinas, Theoharis

NAYES: Lim

## F. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**Christine Linnenbach**

*Re: Letters from Dr. Abdul Ashtani*

- On Tuesday night she heard a wonderful broadcast by a structural engineer by the name of Abdul Ashtani. He has been commissioned by the Federal Government to investigate the World Trade Towers. This engineer worked with them pro bono to investigate Sutro Tower. He said that Sutro Tower had seen better days. It is an interesting thing to watch. Dr. Ashtani wrote two letters. She will include Dr. Ashtani's letters and a picture of Sutro Tower in a folder.

**Debra Stein**

*Re: Structural Stability Study*

- During the last hearing, the Commission heard insistently that Sutro Tower conduct additional structural stability studies. In the last nine months Sutro Tower has conducted every study that every expert has recommended they do. Sutro Tower will be submitting new building permit applications in December. At that time any member of the public (who wishes) will be invited to view that data.
- On behalf of Sutro Tower, they are amenable to holding community meetings with representatives of TPIA and Midtown Terrace before that application goes forward.

Adjournment: 6:30 p.m.

**THE DRAFT MINUTES WERE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, DECEMBER 6, 2001.**

**SPEAKERS:** None

**ACTION:** Approved with the correction of various speakers names.

**AYES:** Baltimore, Joe, Lim, Salinas, Theoharis

**ABSENT:** Chinchilla and Fay



F  
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1/25/01

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, October 25, 2001

**1:30 PM**

DOCUMENTS DEPT.

DEC 1 0 2001

SAN FRANCISCO  
PUBLIC LIBRARY

**PRESENT:** Baltimore, Chinchilla, Fay, Joe, Lim, Salinas, Theoharis  
**ABSENT:** None

**THE MEETING WAS CALLED TO ORDER BY PRESIDENT THEOHARIS AT 1:35 p.m.**

**STAFF IN ATTENDANCE:** Gerald G. Green, Director of Planning; Larry Badiner, Zoning Administrator; Craig Nikitas; Paul Lord; Mary Woods; Ben Fu; Sara Velve; Dan Sirois; Dan Sider; Michael Smith; Dario Jones; Nora Priego, Transcription Secretary; Linda Avery, Commission Secretary

### A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2001.0276C (LI: 558-6396)  
439-441 STEVENSON STREET - south side between 6<sup>th</sup> and Mint Streets; Lot 035 in Assessor's Block 3704 - Request for Conditional Use Authorization to establish an office use at the ground floor which will not provide on-site services to the general public within a C-3-G (Downtown General Commercial) District and a 90-X / 160-F Height and Bulk District. The proposal is to convert a blueprinting and publishing use to an office use. There will be no physical expansion of the existing building.

Preliminary Recommendation: Approval with conditions  
**(Proposed for Continuance to January 17, 2002)**

SPEAKER(S): None

ACTION: Continued to January 17, 2002

AYES: Baltimore, Joe, Lim, Salinas, Theoharis

ABSENT: Chinchilla and Fay

2. 2001.1190C (SANCHEZ: 558-6679)  
2801-2825 CALIFORNIA STREET - southwest corner at Divisadero Street; Lot 001 in Assessor's Block 1028 - Request for Conditional Use authorization pursuant to Section 711.83 of the Planning Code to install a total of three antennas and GPS receiver on the roof with related connection to an equipment shelter within the basement of an existing three-story, mixed-use building, as part of Sprint PCS's wireless telecommunications network within an NC-2 (Small-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District. As per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the proposal is a Preferred Location Preference 5 as it is a mixed-use building within a high-density district.  
Preliminary Recommendation: Pending  
(Continued from Regular Meeting of October 11, 2001)  
(Proposed for Continuance to November 15, 2001)

SPEAKER(S): None  
ACTION: Continued to November 15, 2001  
AYES: Baltimore, Joe, Lim, Salinas, Theoharis  
ABSENT: Chinchilla and Fay

- 3a. 2000.541EKAHBCXT (LeBLANC: 558-6351)  
350 BUSH STREET - a group of lots from Bush Street through to Pine Street and between Montgomery and Kearny Streets, Lots 2, 2A, 3, 22, 24, 25 and 26 in Assessor's Block 269 - CEQA findings and request under Planning Code Section 309 (Downtown Project) for Determinations of Compliance and Request for Exceptions, including an exception to the Separation of Towers requirement, exceptions to the Bulk requirements and an exception to the Reduction of Ground Level Wind Currents requirement, for the construction of a 19-story, 250-foot tall building containing up to 344,500 gross square feet of office space, approximately 7,700 square feet of ground floor retail space, 7,055 square feet of public open space and 101 parking spaces. The Project also requires approval pursuant to: (1) Planning Code Sections 303, 204.5, 157 and 212(e) for Conditional Use authorization of a) off-street parking spaces in excess of the amount allowed as accessory and b) demolition of housing units; (2) Planning Code Sections 320-325 (Office Development Limitation Program) for the allocation of 344,500 gross square feet of office space, (3) Planning Code Section 302(c) for an Amendment to Article 11, Appendix B of the Planning Code; (4) Planning Code Section 1006 for a Certificate of Appropriateness for alteration of the San Francisco Mining Exchange Building, Landmark #113; and (5) Planning Code Article 11 for approval of a Permit to Alter for alteration of the Mining Exchange Building, rated Category II. This project lies within a C-3-O (Downtown, Office) District and within a 250-S Height and Bulk District.  
Preliminary Recommendation: Approval with conditions

SPEAKER(S): None  
ACTION: Continued to November 1, 2001  
AYES: Baltimore, Joe, Lim, Salinas, Theoharis  
ABSENT: Chinchilla and Fay

- 3b. 2000.541EXBCTHA (LeBLANC: 558-6351)  
350 BUSH STREET - a group of lots from Bush Street through to Pine Street and between Montgomery and Kearny Streets, Lots 2, 2A, 3, 22, 24, 25 and 26 in Assessor's Block 269 - Request under Planning Code Sections 320-325 (Office Development Limitation Program) for the allocation of 344,500 gross square feet of office space. The Project consists of the construction of a 19-story, 250-foot tall office and retail building, which also requires approval pursuant to (1) Planning Code Section 309 (Downtown Project) for Determinations of Compliance and Request for Exceptions; (2) Planning Code Sections 303, 204.5, 157 and 212(e) for Conditional Use authorization of a off-

street parking spaces in excess of the amount allowed as accessory and b) demolition of housing units; (3) Planning Code Section 302(c) for an Amendment to Article 11, Appendix B of the Planning Code; (4) Planning Code Section 1006 for a Certificate of Appropriateness for alteration of the San Francisco Mining Exchange Building, Landmark #113; and (5) Planning Code Article 11 for a Permit to Alter for alteration of the Mining Exchange Building, rated Category II. This project lies within a C-3-O (Downtown, Office) District and within a 250-S Height and Bulk District.

Preliminary Recommendation: Approval with conditions  
**(Proposed for Continuance to November 1, 2001)**

SPEAKER(S): None

ACTION: Continued to November 1, 2001

AYES: Baltimore, Joe, Lim, Salinas, Theoharis

ABSENT: Chinchilla and Fay

- 3c. 2000.541EXBCTHA (LeBLANC: 558-6351)  
350 BUSH STREET - a group of lots from Bush Street through to Pine Street and between Montgomery and Kearny Streets, Lots 2, 2A, 3, 22, 24, 25 and 26 in Assessor's Block 269 - Request under Planning Code Sections 303, 204.5, 157 and 212(e) for Conditional Use authorization of a) off-street parking spaces in excess of the amount allowed as accessory and b) demolition of housing units. The Project consists of the construction of a 19-story, 250-foot tall office and retail building, which requires approval pursuant to: (1) Planning Code Section 309 (Downtown Project) for Determinations of Compliance and Request for Exceptions; (2) Planning Code Sections 320-325 (Office Development Limitation Program) for the allocation of 344,500 gross square feet of office space; (3) Planning Code Section 302(c) for approval of an Amendment to Article 11, Appendix B of the Planning Code; (4) Planning Code Section 1006 for a Certificate of Appropriateness for alteration of the San Francisco Mining Exchange Building, Landmark #113; and (5) Planning Code Article 11 for a Permit to Alter for alteration of the Mining Exchange Building, rated Category II. This project lies within a C-3-O (Downtown, Office) District and within a 250-S Height and Bulk District.  
Preliminary Recommendation: Approval with conditions  
**(Proposed for Continuance to November 1, 2001)**

SPEAKER(S): None

ACTION: Continued to November 1, 2001

AYES: Baltimore, Joe, Lim, Salinas, Theoharis

ABSENT: Chinchilla and Fay

- 3d. 2000.541EXBCTHA (LeBLANC: 558-6351)  
350 BUSH STREET - a group of lots from Bush Street through to Pine Street and between Montgomery and Kearny Streets, Lots 2, 2A, 3, 22, 24, 25 and 26 in Assessor's Block 269 - Request under Planning Code Section 302(c) for approval of an Amendment to Article 11, Appendix B of the Planning Code to allow for an addition to the San Francisco Mining Exchange Building to be set back 30 feet instead of 60 feet from Bush Street. The Project consists of the construction of a 19-story, 250-foot tall office and retail building, which also requires approval pursuant to: (1) Planning Code Section 309 (Downtown Project) for Determinations of Compliance and Request for Exceptions; (2) Planning Code Sections 303, 204.5, 157 and 212(e) for Conditional Use authorization of a) off-street parking spaces in excess of the amount allowed as accessory and b) demolition of a housing units; (3) Planning Code Sections 320-325 (Office Development Limitation Program) for the allocation of 344,500 gross square feet of office space; and (4) Planning Code Section 1006 for approval of a Certificate of Appropriateness for alteration of the San Francisco Mining Exchange Building, Landmark #113; and (5) Planning Code Article 11 for approval of a Permit to Alter for alteration of the Mining

Exchange Building, rated Category II. This project lies within a C-3-O (Downtown, Office) District and within a 250-S Height and Bulk District.

Preliminary Recommendation: Approval with conditions  
**(Proposed for Continuance to November 1, 2001)**

SPEAKER(S): None

ACTION: Continued to November 1, 2001

AYES: Baltimore, Joe, Lim, Salinas, Theoharis

ABSENT: Chinchilla and Fay

- 3e. 2000.541XBCTHA (LIGHT: 558-6254)  
350 BUSH STREET - a group of lots from Bush Street through to Pine Street and between Montgomery and Kearny Streets, Lots 2, 2A, 3, 22, 24, 25 and 26 in Assessor's Block 269 - Request under Planning Code Article 11 for approval of a Permit to Alter for alteration of the Mining Exchange Building, rated Category II. The Project consists of the construction of a 19-story, 250-foot tall office and retail building, which also requires approval pursuant to: (1) Planning Code Section 309 (Downtown Project) for Determinations of Compliance and Request for Exceptions; (2) Planning Code Sections 303, 204.5, 157 and 212(e) for Conditional Use authorization of a) off-street parking spaces in excess of the amount allowed as accessory and b) demolition of housing units; (3) Planning Code Sections 320-325 (Office Development Limitation Program) for the allocation of 344,500 gross square feet of office space; (4) Planning Code Section 302(c) for an Amendment to Article 11, Appendix B of the Planning Code; and (5) Planning Code Section 1006 for a Certificate of Appropriateness for alteration of the San Francisco Mining Exchange Building, Landmark #113. This project lies within a C-3-O (Downtown, Office) District and within a 250-S Height and Bulk District.

Preliminary Recommendation: Approval with conditions  
**(Proposed for Continuance to November 1, 2001)**

SPEAKER(S): None

ACTION: Continued to November 1, 2001

AYES: Baltimore, Joe, Lim, Salinas, Theoharis

ABSENT: Chinchilla and Fay

- 3f. 2000.541XBCTHA (LIGHT: 558-6254)  
350 BUSH STREET - a group of lots from Bush Street through to Pine Street and between Montgomery and Kearny Streets, Lots 2, 2A, 3, 22, 24, 25 and 26 in Assessor's Block 269 - Request under Planning Code Section 1006 for approval of a Certificate of Appropriateness for alteration of the San Francisco Mining Exchange Building, Landmark #113. The Project consists of the construction of a 19-story, 250-foot tall office and retail building, which also requires approval pursuant to: (1) Planning Code Section 309 (Downtown Project) for Determinations of Compliance and Request for Exceptions; (2) Planning Code Sections 303, 204.5, 157 and 212(e) for Conditional Use authorization of a) off-street parking spaces in excess of the amount allowed as accessory and b) demolition of a housing units; (3) Planning Code Sections 320-325 (Office Development Limitation Program) for the allocation of 344,500 gross square feet of office space; (4) Planning Code Section 302(c) for an Amendment to Article 11, Appendix B of the Planning Code; and (5) Planning Code Article 11 for a Permit to Alter for alteration of the Mining Exchange Building, rated Category II. This project lies within a C-3-O (Downtown, Office) District and within a 250-S Height and Bulk District.

Preliminary Recommendation: Approval with conditions  
**(Proposed for Continuance to November 1, 2001)**

SPEAKER(S): None

ACTION: Continued to November 1, 2001

AYES: Baltimore, Joe, Lim, Salinas, Theoharis

ABSENT: Chinchilla and Fay

4. 2001.0605C (SANCHEZ: 558-6679)  
510 FREDERICK STREET - north side between Willard and Stanyan Streets; Lot 006 in Assessor's Block 1263 - Request for Conditional Use authorization pursuant to Section 710.83 of the Planning Code to install a total of three antennas and related equipment on the rooftop and an equipment shelter on the basement level of an existing four-story, mixed-use (residential above commercial) building, as part of Metro PCS's wireless telecommunications network within an NC-1 (Neighborhood Commercial Cluster District) a 40-X Height and Bulk District. As per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the proposal is a Location Preference 2 (co-location site).  
Preliminary Recommendation: Pending  
**(Proposed for Continuance to November 15, 2001)**

SPEAKER(S): None

ACTION: Continued to November 15, 2001

AYES: Baltimore, Joe, Lim, Salinas, Theoharis

ABSENT: Chinchilla and Fay

5. 2001.0015Z (WOODS: 558-6315)  
1052 OAK STREET - north side between Divisadero and Scott Streets, Lot 5 in Assessor's Block 1216 - Request for reclassification of a portion (approximately 3,136 square feet) of Lot 5 (a part of the Touchless Car Wash site) from NC-2 (Small-Scale Neighborhood Commercial) District to RH-3 (Residential, House, Three-Family) District. Currently, the entire lot area, approximately 4,199 square feet, of Lot 5 is zoned NC-2. This reclassification is to allow the construction of three new residential units in accordance with Planning Commission Motion No. 16036 relating to a conditional use authorization approved on November 16, 2000 to expand the car wash.  
Preliminary Recommendation: Adoption of the Draft Resolution for Reclassification.  
(Continued from Regular Meeting of September 20, 2001)  
**(Proposed for Continuance to December 13, 2001)**

SPEAKER(S): None

ACTION: Continued to November 13, 2001

AYES: Baltimore, Joe, Lim, Salinas, Theoharis

ABSENT: Chinchilla and Fay

## B. COMMISSIONERS' QUESTIONS AND MATTERS

6. Commission Matters

**Commissioner Theoharis:** Commissioners' Fay, Joe and Lim will be absent next week.  
**Commissioner Baltimore:** She would like to see a presentation from the youth development corporation scheduled at a future hearing--if possible for the hearing of November 8, 2001.

**Commissioner Salinas:** He agrees with Commissioner Baltimore request and would like the presentation scheduled as soon as possible.

**Commissioner Theoharis:** Regarding community based planning, she would like information on who the community is, how these decisions will be made, etc.

## C. DIRECTOR'S REPORT

7. Director's Announcements

*Re: Planning Department Budget*

On November 1, 2001, he will calendar and present the Department's

work program and explain where they are with the budget decisions that have been made.

8. Review of Past Week's Events at the Board of Supervisors and Board of Appeals BOS:

*Re: Housing, Transportation and Land Use Committee*

- He appeared before the Housing, Transportation and Land Use Committee. He was asked by Supervisor Maxwell to participate in this hearing regarding the Interim Controls. Staff has completed an environmental review on this issue. Supervisor Maxwell and Supervisor Daly continued the item at the call of the chair. Basically, it was decided that the Planning Department take the lead in these Interim Controls. A lot was accomplished at this meeting.

- There was a request by the Bicycle Coalition for a bicycle plan and Mr. Paul Maltzer was there to provide a status report. Mr. Maltzer stated that in order to carry out some of the plan, an environmental report is necessary. There were concerns from some of the members of the coalition.

- The committee will also be discussing the jobs housing linkage program. I (The Director) was not able to stay for that in order to be here at the Planning Commission Hearing.

*Re: Sunshine Ordinance Task Force*

- He attended this meeting along with Ms. Linda Avery, Commission Secretary, regarding two complaints. One of these complaints was the way the Commission voted regarding 2258 Beach Street. The Task Force continued this matter. Staff was not able to comment or state their concerns.

- The other issue was a complaint of 176 Clipper Street where the department was mislead regarding an inaccurate and fraudulent notice as well as staff preventing a member of the public from speaking. The Task Force felt that the department did not comply with the relevant legislation since the notice, which was mailed out for 311 notice was incorrect. Although, another notice was sent out, all the recipients were not notified of this new notice. The task force requested that the department re-notice and schedule another hearing. Because of the fact that this case will be going before the Board of Appeals, he would like to have this process go forward.

BOA

*Re: 1041 Lake Street*

- The Commission took Discretionary Review on May 17, 2001 to approve an addition to a residential building. The Commission voted to remove the 4<sup>th</sup> floor. The board upheld the Commission's decision by a vote of +4-1.

*Re: 144 Eddy Street*

- There was an appeal to a letter of determination for 144 Eddy Street. This building has been vacant for 20 years. There was an argument from the Board of Appeals; this item was continued for 60 days in the hope that more affordable housing would be considered.

D. REGULAR CALENDAR

9.

(NIKITAS: 558-6306)

OFFICE ANNUAL LIMIT PROGRAM - Discussion and briefing on the status of office development administered under Section 321 of the Planning Code.

SPEAKER(S): None

ACTION: Informational Presentation Only

10.

2001.0268T (LORD: 558-6311)  
INTERNET SERVICES EXCHANGE - Consideration of an Ordinance amending the San Francisco Planning Code by amending Section 209.6, 790.80 and 890.80 to define

Internet Services Exchange as a new use within the utility installation category; by amending Section 178, 227, 234, 303, 803, 817, 818, 907, 908, 912 and 913 to establish requirements for a Conditional Use authorization for Internet Services Exchanges; by amending Section 204 to include certain Internet Services Exchanges as an accessory use; and making findings of consistency with the General Plan and Priority Policies findings of Planning Code Section 101.1.

Preliminary Recommendation: Approval

SPEAKER(S):

(-) Tim Tosta – Steffel, Levitt and Weiss

- They have worked on two or three of these facilities.
- He has been in touch with various developers because there is a fourth facility
- He has had no complaints to any of the Internet switching stations for many years.
- The issue of energy is a very complex one.
- There is an internal conflict in the CU provisions which he sees coming.

ACTION: Legislation Adopted .

AYES: Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis

ABSENT: Fay

RESOLUTION: 16265

11. 2001.0327C (WOODS: 558-6315)

2038 CLEMENT STREET - north side between 21st and 22nd Avenues, Lot 32 in Assessor's Block 1412 - Request for Conditional Use authorization under Section 717.39 of the Planning Code to demolish an existing two-story building containing retail on the ground floor and two dwelling units on the second floor and construct a new, four-story building containing three parking spaces on the ground floor and three dwelling units above the ground floor in the Outer Clement Street Neighborhood Commercial District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with conditions

(Continued from Regular Meeting of October 4, 2001)

SPEAKER(S):

(+) David Silver – Reuben and Alter – Representing Project Sponsor

- The demolition will allow the construction of three new dwelling units.
- DBI has determined that this building has to be demolished.
- A 15-foot setback will not benefit any of the neighbors. Not one of the neighbors has asked to have a setback. There are various neighbors who have supported the project as proposed.
- The project architect is here in case Commissioners have any questions.

ACTION: Approve the project with the following conditions: roof deck not be allowed; 2<sup>nd</sup> penthouse be eliminated; work with DBI on 1<sup>st</sup> penthouse and eliminate if possible; add a 15-foot setback.

AYES: Baltimore, Chinchilla, Joe, Lim, Theoharis

NAYES: Salinas

ABSENT: Fay

MOTION: 16266

12. 2001.0336C (FU: 558-6613)

3579 FOLSOM/495 CHAPMAN - at the intersection of Folsom and Chapman Streets. Lot 42 in Assessor's Block 5627 - Request for authorization of a Conditional Use for the creation of one lot with a width less than 25 feet and an area of less than 1,750 square feet in an RH-1 (House, One-Family) District and a 40-X Height and Bulk District, per Section 121 of the Planning Code, and within the Bernal Heights Special Use District.

Preliminary Recommendation: Disapproval

(Continued from Regular Meeting of September 6, 2001)

**SPEAKER(S):****(+) Maurice Matamoros – Project Sponsor**

- He would like to build a single-family home.
- This home will include a two-car garage. He applied for this for many years, yet it was denied until he found out why. He hired an engineer to design the space according the requests made by the Planning Department.
- He has had contact with the Bernal Heights Association yet unfortunately they oppose the project.
- He has been paying taxes on this property for many years so he would like to build his home there.

**(-) Pat Hughes**

- She has lived on Folsom Street for about 22 years.
- She observes the traffic all the time since she lives on the corner.
- There are various traffic problems.
- If the square footage of the property is increased, it will be more difficult to see around the corner.
- She maintains a garden and it will be very difficult

**(-) Lisa Luchansy**

- She lives on Folsom Street.
- The lot is not an "eye sore".
- She chose this neighborhood because it was quiet and quaint.
- The street has a very difficult grade. If this house is built with the square footage requested, it would be tremendously difficult to view cars coming up the hill or going down the hill.

**(-) Sharlot Williams**

- She lives on Chapman Street.
- Recently there was a big accident in this neighborhood and the Fire Department was not able to get up the hill since it is very steep.
- There have been close head on collisions because of the location of the intersections.
- When she walks out the door, she literally is on the street.
- She is concerned about her safety and the safety of her neighbors.

**(-) Terry Milne – Bernal Heights East Slope Design Review Board**

- The board requests that the Commission deny this proposal.

ACTION: Project Disapproved

AYES: Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis

ABSENT: Fay

MOTION: 16267

13a.

2001.0781CR (VELLVE: 558-6263)  
2155 – 18<sup>TH</sup> AVENUE - (San Francisco Fire Department Station #40), west side between Quintara and Rivera Streets, Lot 003, Assessor's Block 2199 - Request for General Plan Referral to install a total of three (3) panel antennas and related equipment at an existing two-story publicly-used structure (a fire station) as part of Metro PCS's wireless telecommunications network within a RH-1 (House, One Family) Zoning District, and within a 40-X Height and Bulk District.

Preliminary Recommendation: Finding of conformity with the General Plan.

(Continued from Regular Meeting of October 18, 2001)

**SPEAKER(S):****(+) Debra Stein – Representing Metro PCS**

- Although this was not the first choice for Metro PCS, they were able to adjust their network and allow this site as an antenna installation location.
- There were community meetings held; yet no one attended.
- There were meetings at the fire station and no one attended either.
- There was one firefighter who had health concerns and they will be meeting with her individually.

**(-) Man Hung Ng**

- He submitted a letter of opposition to the Commissioners.
- He would like to protest quite strongly the installation of these antennas.
- Lincoln High School and Herbert Hoover High School are located close to this location. He is concerned for the health of the students of these schools.
- He hopes that the Commission considers the health of the people who live near this location.

ACTION: Approved  
AYES: Baltimore, Chinchilla, Joe, Lim, Theoharis  
NAYES: Salinas  
ABSENT: Fay  
MOTION: 16269

- 13b. 2001.0781CR (VELLVE: 558-6263)  
2155 – 18<sup>TH</sup> AVENUE - (San Francisco Fire Department Station #40), west side between Quintara and Rivera Streets, Lot 003, Assessor's Block 2199 - Request for Conditional Use Authorization pursuant to Section 209.6(b) of the Planning Code to install a total of three (3) panel antennas and related equipment at an existing two-story publicly-used structure (a fire station) as part of Metro PCS's wireless telecommunications network within a RH-1 (House, One Family) Zoning District, and within a 40-X Height and Bulk District. As per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the proposal is a Location Preference 1 (Preferred Location – Publicly-Used Structure).  
Preliminary Recommendation: Approval with conditions  
(Continued from Regular Meeting of October 18, 2001)

SPEAKER(S): Same as those listed in item 13a.  
ACTION: Approved  
AYES: Baltimore, Chinchilla, Joe, Lim, Theoharis  
NAYES: Salinas  
ABSENT: Fay  
MOTION: 16268

14. 2001.0708C (SIROIS: 558-6313)  
201-225 WEST PORTAL AVENUE - south side of West Portal Avenue, between Vicente and 14<sup>th</sup> Avenue, Lots 23 & 24, Assessor's Block 2989B - Request for Conditional Use Authorization to convert commercial space from a full-service restaurant use to business or professional service uses in the West Portal Avenue Neighborhood Commercial District in a 26-X Height and Bulk District, pursuant to Planning Code Sections 729.1 and 790.108.  
Preliminary Recommendation: Approval with conditions

SPEAKER(S):

**(+) Ron Wallis – Project Architect – Representing the Owners**

- The owners of the firm Northshore Resources also own several buildings in the City.
- The restaurant space where Northshore Resources would like to move have had several names. It has been vacant for periods of time because of remodeling. Eventually the owners decided to give it up and sell the property.
- This proposal is consistent with the West Portal community.

**(+) Deborah Udin – Sales Manager for Zephyr Real Estate**

- She has managed several businesses on West Portal.
- The use of the real estate office would be a negative impact on the parking as opposed to a successful restaurant.
- The merchants are concerned about parking.
- The use of the real estate office would be negative for the area.

**(+) Olive Fox – Real Estate Broker – Fox and Fox Properties**

- Her and her husband have been at this firm for more than 30 years.
- They patronize the merchants of West Portal.
- Together, they will be an asset and not a detriment to the residents.
- She has signatures of 21 of the merchants who support this proposal.

**(+) Bill Drypolcher – Owner of Zephyr Real Estate**

- They have proposed a merger with Fox and Fox and move intend to the 215 West Portal offices.
- This merger will allow an independent real estate office to become larger.
- They are trying to fight with the "big guys."
- This larger space will accommodate more realtors.
- Parking is an issue but they have come up with several ideas: 1) they have approached one of the title companies on the street and they have given up one parking space. They are trying to get two more from this title company; 2) they will get a parking sticker; 2) set up a model for outreach and several residents are willing to rent their garages. They would like to leave the parking meters for their clients.

**(+) David Cooperman, CPA**

- There have been so few people going to the restaurant therefore the change of use is the best idea.
- He needs more space for his business.
- He hopes that the Commission approves this proposal.

ACTION: Approved

AYES: Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis

ABSENT: Fay

MOTION: 16270

**E. DISCRETIONARY REVIEW HEARING**

At Approximately **4:00 PM** the Planning Commission convened into a Discretionary Review (DR) Hearing to hear and act on Discretionary Review matters.

15. 2001.0897D (SIDER: 558-6697)  
747 – 3<sup>rd</sup> STREET - northeast side between King and Townsend Streets, Lot 005 in Assessor's Block 3794 - Mandatory Discretionary Review of a "Dance Hall Keeper / Place of Entertainment" Police Permit at a property within the proposed Ballpark Vicinity Special Use District pursuant to Planning Commission Resolution Number 14844. The subject property is an existing restaurant and bar ('Curve Bar and Restaurant') located in an M-2 (Heavy Industrial) Zoning District, a 105-F Height and Bulk District, a Mixed-Use Housing Zone, and the proposed Ballpark Vicinity SUD.  
Preliminary Recommendation: Take Discretionary Review and approve the project as proposed, with conditions.

**SPEAKER(S):****(+) John Mathini**

- The opened the restaurant about 3 months ago.
- They would like to create a venue to support the local music and entertainment scene in San Francisco.
- The neighbors support this proposal.
- This will be very good for the area.

**(+) Jeffrey Leibovitz – Rincon Point South Beach CAC**

- It is important that conditions be put on the operator. There have been problems in the past and he hope that these conditions are clear to the operator.
- This sponsor will bring some life to the area. He supports this proposal.

**(+) Scott Durquin**

- It is great to have some entertainment after ball games.

**(+) Scott Ruble**

- The area around the ballpark has opened up a lot of new and existing businesses.
- Many of these new businesses are geared toward ballpark business. In the time when it's off-season, many of the businesses are scrambling for clients.
- It would be great that this business will have its business open during the off-season.

ACTION: Take Discretionary Review with the following condition: Property Maintenance. Upon approval of the conditional use authorization, the property owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each two weeks.

AYES: Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis

ABSENT: Fay

16. 2001.0663D (SIDER: 558-6697)

761 – 3<sup>RD</sup> STREET - north corner of King Street, Lot 005 in Assessor's Block 3794 - Mandatory Discretionary Review of an "Extended Hours Premises" Police Permit at an existing large fast food restaurant ('Happy Donuts'). The subject property is within the Ballpark Vicinity Special Use District (BVSUD), which allows large fast food restaurants (as defined by Planning Code Section 890.91) only as Conditional Uses. The existing facility was established prior to this requirement and thus is a nonconforming use (pursuant to Planning Code Sections 180 through 185). The proposal would allow the facility to operate lawfully 24 hours each day and thus involves the intensification of an existing nonconforming use. While this proposal would ordinarily require Conditional Use Authorization, under Planning Commission Resolution Number 14844, all BVSUD controls are currently enforced with Discretionary Review powers. The property is located in an M-2 (Heavy Industrial) Zoning District, a 105-F Height and Bulk District, a Mixed-Use Housing Zone, and the proposed BVSUD.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

**SPEAKER(S):****(+) Man Lee**

- He agrees with staff's report.
- He is available for questions.

**(+) Jeffrey Lievobitz**

- He supports this project.

**(+) Terry Milne**

- The conditions will be beneficial to the neighborhood.
- He is in agreement with this proposal.

ACTION: Take Discretionary Review with the following condition: Property Maintenance. Upon approval of the conditional use authorization, the property owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each two weeks.

AYES: Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis

ABSENT: Fay

17. 2001.0917DD (SIDER: 558-6697)

725 CAROLINA STREET - east side between 20<sup>th</sup> and 22<sup>nd</sup> Streets, Lot 047 in Assessor's Block 4097 – Request for Discretionary Review of Building Permit Application numbers 2000.12.22.8567 and 2000.12.22.8564 proposing to demolish an existing

single-family house and construct a new two-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary recommendation: Do not take Discretionary Review and approve the project as proposed.

**SPEAKER(S):**

**(-) Daniel Conrad – 1<sup>st</sup> DR Requestor**

- He lives on Carolina Street.
- He filed the DR because of the demolition permit. He does not believe that this property should be demolished. The house has been inhabited in the last 15 years.
- This house is also part of the neighborhood character.
- This part of Potrero Hill has a very uniform character.
- He prefers that the house be remodeled.
- No one opposes the 2<sup>nd</sup> unit, yet he believes there are ways this property can be remodeled.

**(-) John Diaz – 2<sup>nd</sup> DR Requestor**

- He is concerned with the height and mass of the proposed project.
- Various neighbors have made additions to their homes around the neighborhood.
- They are concerned with the height, views and respect of the topography of the rear area.

- He basically does not want a solid wall in the backyard.

**(-) Tom Jones**

- He lives on Carolina Street.
- He did some studies regarding this project.
- All the neighbors have yards that step down. There are a series of different levels of back yards.
- The vertical and horizontal impact is quite big.
- He has spoken to the project sponsor regarding alternatives to his project.
- He encouraged the project sponsor to go deeper and have a series of setbacks.

**(-) Tracy Diaz**

- She lives on Carolina Street
- She has lived there for 15 years.
- She has three issues: 1) height of the building--A four story building does not fit on Carolina Street; 2) the depth and mass of the building--the building is too imposing for the lot; 3) "domino effect"--one person goes up, then the next person goes up, etc.

**(-) Diana Bowen**

- She has lived on Carolina Street for 9 years. Her house is quite small.
- She agrees with her neighbors about preserving the character of the neighborhood.
- She realizes that the current structure is very outdated and small but it could be greatly improved and a new building could provide more housing in addition to off street parking where there is currently none at all.
- She hopes that the project sponsor will be willing to work with the neighbors and reach a harmonious compromise.

**(-) Irma Orantes**

- She grew up on Potrero Hill.
- What has been happening to Potrero Hill has been devastating.
- The quality of life has gone down on Potrero Hill.
- The residents are opposing these kinds of buildings because the neighbors need the space and need the light.

**(-) Foster Reed**

- He lives across the street from the proposed project.
- He thinks that this project is out of scale.
- If these large buildings are continued to be allowed, the character of the neighborhoods will start to degrade.

**(-) Dale Freeman**

- He has lived on Carolina Street for 20 years.

- His concern is similar to the previous neighbors.
- The proposed structure would alter the character of the neighborhood.
- He hopes that the Commissioners encourage the developer to continue to work with the neighbors and listen to their concerns.

(-) **Ira Dorter**

- He lives across the street from the proposed project.
- They are a cohesive community.
- The neighbors would like to keep the character of the neighborhood.
- The developer could well incorporate the existing building into his remodeling plans.
- He read a letter from a neighbor, Nancy Fenton, who is opposed to the project.

(-) **Mike Harim**

- He is the immediate downhill neighbor.
- He is opposed to this project because of the depth of the project as well as the height since this will cause them to loose light and air.
- He hopes the plans can be modified'someway.

(+) **Joseph Bradford – Project Sponsor and Owner**

- Some of the Planning issues are 1) demolition vs. remodel and 2) height and bulk of the building.
- He had neighborhood meetings for many months. There were quite a few issues that he has addressed already.
- His building is the smallest on the block.
- He believes that he has gone above and beyond and has revised the construction plans to something that is manageable for the neighborhood.

(+) **Haley Parsons**

- She lives on Caroline Street
- They have lived in Potrero Hill for many years.
- They been meeting with the neighbors for a long time.
- There are various amenities that this house does not have.
- This is a very small house.
- She does not foresee that this house will cause a "domino effect."

(+) **Jerry Augusta**

- He lives on Carolina Street
- He believes that the project sponsor should be commended for working with the neighbors.
- This is a house that everyone can embrace.

(-) **Samuel Visani**

- This project is totally incompatible with the neighborhood.
- There have been various projects in the neighborhood that have not gone over three stories--that have been sensitive to the neighborhood.

ACTION: Public comment closed on original project. Project continued to November 15, 2001. Public comments open on any new proposal.

AYES: Baltimore, Joe, Lim, Salinas, Theoharis

NAYES: Chinchilla

ABSENT: Fay

18. 2001.0589D (SMITH: 558-6322)  
4426 – 24<sup>TH</sup> STREET - north side of the street between Hoffman Street and Grandview Avenue, Lot 008 in Assessor's Block 2828 - Request for Discretionary Review of Building Permit Application No. No 2001/03/21/4914 proposing to alter the existing single-family dwelling by constructing a three-story rear horizontal addition with a second floor deck and raise a portion of the existing roof line by approximately five feet, located in a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

SPEAKER(S): None

ACTION: Without Hearing. Discretionary Review Withdrawn.

19. 2001.0146DD (JONES: 558-6477)  
626 – 29<sup>TH</sup> STREET - north side of 29<sup>th</sup> Street between Castro and Diamond Streets, Lot 009 in Assessor's Block 7536 - Request for Discretionary Review of Building Permit Application No. 2000/08/10/7566 for the new construction of a three-story, single-family dwelling at the front of the lot. The lot currently contains an existing one story, single-family dwelling at the rear of the property located within an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District. This Building Permit is also subject to front setback variance request.  
Preliminary Recommendation: Take Discretionary Review and modify the project.  
(Continued from Regular Meeting of September 6, 2001)

SPEAKER(S):

(-) Mike Ackerman – Representing DR Requestors

- He has a typewritten statement from the DR Requestors, Teresa Robertson and Robert Mendonza. Neither of the DR requestors could be here since they had planned time away. Their absence in no way indicates their lack of interest and objections to the project.

- Their issues are: 1) building height at the rear of the building; 2) the uniqueness of the adjacent buildings is not respected; 3) there are no other houses that are built so disproportionately; 4) There will be an impact on light, air and temperature to their home; and 5) applicant has not acted in good faith to reach a compromise.

(+) Robert Mince – Representing project sponsor

- Their proposal integrates the urban fabric of the surrounding neighborhood and they have made changes that are good neighbor gestures.

- He has met several times with DR requestors to talk about their concerns.

- He performed a shadow study and found that there is minimal impact.

- Another concern from the DR requestor is that the cottage would be used as an illegal unit in the future. The project sponsor's mother has health issues and would like to have her nearby.

(+) Chi – Project Sponsor

- Her property shows records of being there since 1908.

- She would like to have the structure remain intact.

- Her mother lives in the cottage and she doesn't want to move.

- She has three whys she would like her project approved: 1) her mother is elderly and diabetic; 2) as a homeowner with an existing structure, she has the right to have her mother there; 3) she does not see the benefit to anyone to have the structure removed.

- She has the right to keep the existing structure there for her mom.

(+) Project Sponsor's mom

- She hopes that the Commission will approve this project so her daughter can live near her.

ACTION: Take Discretionary Review and approve the building permit as revised: remove the existing dwelling at the rear.

AYES: Baltimore, Chinchilla, Joe, Salinas, Theoharis

NAYES: Lim

ABSENT: Fay

20. 2001.0146V (JONES: 558-6477)  
626 – 29<sup>TH</sup> STREET – north side of 29<sup>th</sup> Street between Diamond and Castro Streets; Lot 9 in Assessor's Block 7536 in an RH-1 (Residential, House, Single-Family) District. Front Yard Variances Sought: The proposal is to construct a new 3-story, single family dwelling in the required front setback. Sections 132(d)(2) of the Planning Code requires a maximum 15-foot front setback, measured from the front property line for the subject property. The proposed new dwelling would encroach nine (9) feet into the required front setback.

SPEAKERS(S): Same as those listed in item 19.

ACTION: Zoning Administrator granted the variance on the condition that the existing dwelling at the rear is removed.

**F. PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**Elouise Patten – Young Community Developers**

- She requested time on a future Commission agenda to come and give a presentation so the Commission can understand what YCD does.

Adjournment: 5:55 p.m.

**THE DRAFT MINUTES WERE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, DECEMBER 6, 2001.**

SPEAKERS: None

ACTION: Approved as corrected: pg 7, # 11, ACTION: ...; and add a 15-foot setback

AYES: Baltimore, Joe, Lim, Salinas, Theoharis

ABSENT: Chinchilla and Fay



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**SAN FRANCISCO PLANNING COMMISSION**

SAN FRANCISCO  
PLANNING COMMISSION

Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, November 8, 2001  
1:30 PM

Regular Meeting

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PRESENT: Baltimore, Chinchilla, Fay, Joe, Lim, Salinas  
ABSENT: Theoharis

THE MEETING WAS CALLED TO ORDER BY VICE PRESIDENT FAY AT 1:40 p.m.

STAFF IN ATTENDANCE: Gerald G. Green, Director of Planning; Larry Badiner, Zoning Administrator; Mary Woods; Kelley LeBlanc; Adam Light; Rick Crawford; Jim Miller; Scott Sanchez; Michael Smith; Dan Sider; Glenn Cabreros; Dan Sirois; Nora Priego, Transcription Secretary; Linda Avery, Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2001.0848DDDD (CABREROS: 558-6169)  
2115 BROADWAY - south side between Buchanan and Webster Streets, Lot 018 in Assessor's Block 0580 - Request for Discretionary Review of Building Permit Application No. 2001/04/16/6944 to demolish an existing single-family residence and Building Permit Application No. 2001/04/16/6943S to construct a new 40-foot tall, 2-unit building with two parking spaces in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Pending  
(Proposed for Continuance to November 15, 2001)

SPEAKER(S): None

ACTION: Continued to November 15, 2001

AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas

ABSENT: Theoharis

2. 2001.0502C (SANCHEZ: 558-6679)  
4715 - 4723 GEARY BOULEVARD - south side between 11th and 12th Avenues; Lot 044 in Assessor's Block 1533 - Request for Conditional Use authorization pursuant to Section 712.83 of the Planning Code to install a of six antennas and related equipment on the rooftop and an equipment shelter on the ground level of an existing six-story, mixed-use (residential above commercial) building, as part of Metro PCS's wireless telecommunications network within an NC-3 (Moderate-Scale Neighborhood Commercial District) a 40-X Height and Bulk District. As per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the proposal is a Location Preference 5 (Mixed-Use Building in High Density Districts).



Preliminary Recommendation: Pending  
(Continued from Regular Meeting of November 1, 2001)  
(Proposed for Continuance to November 15, 2001)

SPEAKER(S): None

ACTION: Continued to November 15, 2001

AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas

ABSENT: Theoharis

3. 2001.0205C (SIROIS: 558-6697)

679 – 689 PORTOLA DRIVE - south side of Portola Drive, between Teresita Boulevard and Fowler Avenue, Lot 16, Assessor's Block 2901B - Request for Conditional Use Authorization by XM Satellite Radio to install a satellite radio transmission facility pursuant to Planning Code Section 710.83, which includes the installation of one parabolic antenna, one panel antenna, and one associated equipment cabinet in an NC-1 (Neighborhood Commercial Cluster) District and a 26-X Height and Bulk District. The subject site is a preference 2 location (co-location site) according to the Wireless Telecommunications Services (WTS) Siting Guidelines, 1996.

Preliminary Recommendation: Approval with conditions

(Continued from Regular Meeting of November 1, 2001)

(Proposed for Continuance to December 6, 2001)

SPEAKER(S): None

ACTION: Continued to December 6, 2001

AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas

ABSENT: Theoharis

4. 2001.0613C (SIROIS: 558-6697)

2700 – 45TH AVENUE - east side of 45th Avenue, between Wawona Street and Sloat Boulevard, Lot 026, Assessor's Block 2513 - Request for Conditional Use Authorization by Metro PCS to install a wireless telecommunications facility at the United Irish Cultural Center pursuant to Planning Code Section 711.83, which includes the installation of four panel antennas, one GPS antenna and associated equipment cabinets in an NC-2 (Moderate-Scale Neighborhood Commercial) District and a 100-A Height and Bulk District. The project site is also located within the Coastal Zone Permit Area. The subject site is a preference 1 location (public facility) according to the Wireless Telecommunications Services (WTS) Siting Guidelines, 1996.

Preliminary Recommendation: Approval with conditions

(Continued from Regular Meeting of November 1, 2001)

(Proposed for Continuance to November 15, 2001) December 6, 2001

SPEAKER(S): None

ACTION: Continued to December 6, 2001

AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas

ABSENT: Theoharis

5. 2001.0713C (SANCHEZ: 558-6679)

2000 VAN NESS AVENUE - west side at Jackson Street; Lot 005 in Assessor's Block 0595 - Request for Conditional Use authorization pursuant to Section 209.6(b) of the Planning Code to install a total of six antennas and related equipment on the rooftop of an existing seven-story, wholly commercial building, as part of Metro PCS's wireless telecommunications network within an RC-4 (Residential-Commercial Combined, High Density) Zoning District, the Van Ness Special Use District, and an 80-D Height and Bulk District. As per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the proposal is a Location Preference 2 (co-location site).

Preliminary Recommendation: Pending

(Continued from Regular Meeting of November 1, 2001)

(Proposed for Continuance to November 15, 2001)

SPEAKER(S): None

ACTION: Continued to November 15, 2001

AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas

ABSENT: Theoharis

6. 1999.696R (RODGERS: 558-6395)

968 - 978 UNION STREET - Marion Place is a steep, narrow, dead-end alley between Taylor and Jones in



Assessor's Block 99. Union Street provides the only access to Marion Place and Marion Place currently accommodates only pedestrians. General Plan Referral of a proposal to change the ROW so vehicles can use Marion Place to enter a private garage. The project would also involve the installation of a walk, landscaping, and a public seating below the garage.

Preliminary Recommendation: Find that proposal is not in conformity with the General Plan.

(Proposed for Continuance to November 15, 2001) December 6, 2001

SPEAKER(S):

Brett Gladstone

- He would like to have this hearing moved to a date farther than November 29, 2001 because there is mediation regarding this project which will be held on November 14. It will take about a week to document the results of this mediation.

- There will be a lot of benefits to continuing this case since it is possible this case will be settled.

ACTION: Continued to December 6, 2001

AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas

ABSENT: Theoharis

7. 2001.0787D

(MILLER: 558-6344)

2928 LARKIN STREET - east side between Bay and North Point Streets, Lot 018A in Assessor's Block 0026 - Request for Discretionary Review of Building Permit Application No. 9923712, proposing to construct of a new four-story, two-unit residential building with a two-car garage in an RH-3 (House, Three-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve project with modifications

(Proposed for Continuance to November 15, 2001)

SPEAKER(S): None

ACTION: Continued to November 15, 2001

AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas

ABSENT: Theoharis

8. 2001.0509D (CABREROS: 558-6169)

3016 PIERCE STREET - east side between Greenwich and Filbert Streets, Lot 019 in Assessor's Block 0514 - Staff-initiated request for Discretionary Review of Building Permit Application No. 2001/04/02/5739, proposing to merge an existing two-unit building into a single-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and Disapprove the application

(Continued from Regular Meeting of November 1, 2001)

(Proposed for Continuance to January 17, 2002)

SPEAKER(S): None

ACTION: Continued to January 17, 2002

AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas

ABSENT: Theoharis

9. 2000.1183DDD (SANCHEZ: 558-6679)

1725 LAKE STREET - south side between 18th and 19th Avenues, Lot 035 in Assessor's Block 1378 - Requests for Discretionary Review of Building Permit Application No.

2000/07/03/4299'S' proposing to add two floors, an extension to the rear and additions to both sides and the front of an existing single-family house in an RH-2 (House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Pending

(Continued from Regular Meeting of November 1, 2001)

(Proposed for Continuance to January 24, 2002)

SPEAKER(S): None

ACTION: Continued to January 24, 2002

AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas

ABSENT: Theoharis

10. 2001.0692DD (SMITH: 558-6322)

4516 – 20TH STREET - north side of the street between Douglass and Eureka Streets, Lot 021 in Assessor's



Block 2699 - Request for Discretionary Review of Building Permit Application Nos. 2001/01/16/9843 and 2001/01/16/9832, proposing to demolish an existing two-story over garage, single-family dwelling and construct a three-story over garage single-family dwelling, located in a RH-2 (Residential, House, Two-Family) District and 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve the permit with modifications.  
(Continued from Regular Meeting of November 1, 2001)

#### DISCRETIONARY REVIEW WITHDRAWN

#### B. COMMISSIONERS' QUESTIONS AND MATTERS

11. Consideration of Adoption - draft minutes of August 22 23, September 13, 20 and October 4, 2001.

SPEAKER(S): None  
ACTION: Approved as Corrected  
AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas  
ABSENT: Theoharis

12. Commission Matters

Commission Chinchilla: He requested an updated action list.

#### C. DIRECTOR'S REPORT

13. Director's Announcements  
None

14. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

BOS

- 1101 O'Farrell Street – The conditional use part of this case has been continued to the first week of December. No action was taken. The reclassification is still before the Board.

BOA

Craig Nikitas of department staff represented the Zoning Administrator and the Commissioners at the Board of Appeals hearing last evening.

The items that were before the Board of Appeals:

1) 531 Kansas Street – The Commission did not take Discretionary Review on February 22, 2001 for a third floor addition and minor expansions to the rear. The Board upheld the Commission's decision with no modifications.

2) 740 Vermont Street – This case was a Discretionary Review and was heard by the Commission on March 28, 2001. This was a vertical addition to add a third story, demolish an existing garage and replace with a new one car garage. The Commission voted not to take Discretionary Review and the Board upheld the Commission's decision +5-0.

3) 235 Santa Paula Avenue – This was a rear addition on top of a garage towards the rear. The Commission voted not to take Discretionary Review and the Board upheld the Commissioner's decision by a vote of +4-1.

4) There was an item that was withdrawn at the last minute because of a private agreement.

15. (GREEN: 558-6411)  
Modified Work Program/Budget for FY 2001-2002.

Director Green requested that this item be continued to November 15, 2001 so that proper information can be submitted to the Commissioners.

#### D. CONSIDERATION OF FINDINGS AND FINAL ACTION—PUBLIC HEARING CLOSED

16. 2001.0595C (WOODS: 558-6315)  
3478 CALIFORNIA STREET - north side between Locust and Laurel Streets, Lot 12 in Assessor's Block 1019 - Request for Conditional Use Authorization pursuant to Planning Code Sections 121.2, 303 and 713.21 to exceed



the permitted use size of 5,999 sq. ft. for the expansion of an existing business or professional service use (Charles Schwab & Company, Inc.) from approximately 3,175 square feet to approximately 7,606 square feet in an NC-S (Neighborhood Commercial Shopping Center) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Disapproval

NOTE: On October 11, 2001, following public testimony, the Commission closed public hearing. A motion of intent to approve the project passed by a vote of +4 -3. Commissioners Theoharis, Chinchilla, Joe voted no. The Commission continued the matter to November 8, 2001 for final language.

SPEAKER(S): None

ACTION: Approved

AYES: Baltimore, Fay, Lim, Salinas

NAYES: Chinchilla, Joe

ABSENT: Theoharis

MOTION: 16271

## E. REGULAR CALENDAR

17a. 2000.541EKXBCTHA (LeBLANC: 558-6351)

350 BUSH STREET - a group of lots from Bush Street through to Pine Street and between Montgomery and Kearny Streets, Lots 2, 2A, 3, 22, 24, 25 and 26 in Assessor's Block 269 - CEQA findings and request under Planning Code Section 309 (Downtown Project) for Determinations of Compliance and Request for Exceptions, including an exception to the Separation of Towers requirement, exceptions to the Bulk requirements and an exception to the Reduction of Ground Level Wind Currents requirement, for the construction of a 19-story, 250-foot tall building containing up to 344,500 gross square feet of office space, approximately 7,700 square feet of ground floor retail space, 7,055 square feet of public open space and 101 parking spaces. This project lies within a C-3-O (Downtown, Office) District and within a 250-S Height and Bulk District. See other approvals required, below.

Preliminary Recommendation: Approval with conditions

(Continued from Regular Meeting of November 1, 2001)

SPEAKER(S):

(+) Bob McCarthy – Representing Project Sponsor

- This project had many challenges but provided many opportunities.
- The challenges were to provide a building that will meet the office needs of downtown; preserve an important historic resource – the mining building; would not interfere with the historic courtyard of the Russ Building; and would not have an adverse impact on St. Mary's Park—instead it will enhance it by adding sunshine instead of shadows.
- This project will also contribute money to affordable childcare, transportation impact fees, the downtown parks fund, public art, and provides additional open space as a separate room that looks out from a glass wall.
- (+) Jeffrey Heller – Heller/Manus Architects
- He presented a PowerPoint presentation.
- He submitted a letter from Heritage congratulating the architect for this project.
- EQE Structural Engineers commends this project on public safety.
- This building will be built with the highest seismic safety.
- There were three issues they had to deal with: 1) the historic aspects, 2) light/shadow and open space, and 3) zoning issues.
- The location of this project makes it part of the fabric of the downtown area.
- This project is a very comfortable, contextual fit with the surrounding buildings.
- Regarding the zoning issues—the building was designed to fit the envelope required by the code.
- (+) Ken Connell – Exchange Barber Shop
- He is the owner of a shop close by.
- He agrees with this project since it will bring more business to the area.
- The area currently is an eye sore and this will improve the area.
- (+) Le Quan – Lee's Deli
- This project will benefit him by the foot traffic it will generate and the appearance of the entire area will be improved.
- The open space area will allow many people to enjoy it.
- (+) Richard Leong – SEIU Local 87
- He is representing the Union
- This project will provide jobs for many workers.
- These jobs provide living wages.



- (+) Dick Walterhouse – Pankow Builders  
- He is President of Pankow Builders.  
- He hopes that the Commission approves this project.  
- This project will create 500 jobs for the construction industry.
- (+) Daniel Bacon – SF Historical Society  
- They are pleased with this project since it will preserve and renovate the Mining exchange building --a historical building.
- (+) Gwyneth Borden – San Francisco Chamber of Commerce  
- The Chamber of Commerce is located near by.  
- This is a great project since it will provide good use for the Mining Exchange Building.
- (+) Irene Robinson – American Hotels  
- She was a resident at the Temple Hotel, a building that will be demolished.  
- She believes that Shorenstein has been very fair to the tenants dealing with the issues of relocation.
- (+) Nathan Nayman – Executive Director of Committee on Jobs  
- They are in support of this project.  
- This project will help the shortage of the general fund and will provide many jobs, which are currently in need.  
- The contributions are critical.
- (+) Jim Chappell – President of SPUR  
- SPUR was formed in the 1950's.  
- They support this project since it is a location where an office building should be built as well as it having a spectacular design.  
- This project will be a significant improvement to the Mining Exchange Building.
- (+) Dan Warren – San Francisco Building Trades  
- He supports this project since the design complements the surrounding environment and will meet the needs of many aspects of this City.  
- The workers will benefit as well.  
- Shorenstein realizes the value of union construction.
- (+) Pat Buscorrett – Russ Building  
- He is a structural engineer and is a consultant to Shorenstein.  
- This project will have an elegant seismic design.  
- He looks forward to going to the park and having lunch in the sun.
- (+) Bernard Stalder – Hogan and Vest, Inc.  
- He is here on behalf of many of his tenants as well as himself.  
- They are all in support of this project since it will be a fantastic project for the community of Chinatown.  
- He submitted a letter from the Committee of Better Arts who are in support of this project.
- (-) Elizabeth Skrondal – Preservation Board  
- She has reservations about the exceptions of City laws that this project is taking on.  
- Drilling through and around historical buildings is a bad precedent. This should not be done to other landmarks.

ACTION: Approved

AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas

ABSENT: Theoharis

MOTION: 16272

17b. 2000.541EKXBCTHA (LeBLANC: 558-6351)

350 BUSH STREET - a group of lots from Bush Street through to Pine Street and between Montgomery and Kearny Streets, Lots 2, 2A, 3, 22, 24, 25 and 26 in Assessor's Block 269 - Request under Planning Code Sections 320-325 (Office Development Limitation Program) for the allocation of 344,500 gross square feet of office space. The Project consists of the construction of a 19-story, 250-foot tall office and retail building. This project lies within a C-3-O (Downtown, Office) District and within a 250-S Height and Bulk District. See other approvals required, below.

Preliminary Recommendation: Approval with conditions  
(Continued from Regular Meeting of November 1, 2001)

SPEAKER(S): Same as those listed in item 17a.

ACTION: Approved

AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas

ABSENT: Theoharis

MOTION: 16273

17c. 2000.541EKXBCTHA (LeBLANC: 558-6351)

350 BUSH STREET - a group of lots from Bush Street through to Pine Street and between Montgomery and



Kearny Streets, Lots 2, 2A, 3, 22, 24, 25 and 26 in Assessor's Block 269 - Request under Planning Code Sections 303, 204.5, 157 and 212(e) for Conditional Use authorization of a) off-street parking spaces in excess of the amount allowed as accessory and b) demolition of a residential building. The Project consists of the construction of a 19-story, 250-foot tall office and retail building. This project lies within a C-3-O (Downtown, Office) District and within a 250-S Height and Bulk District. See other approvals required, below.

Preliminary Recommendation: Approval with conditions

(Continued from Regular Meeting of November 1, 2001)

SPEAKER(S): Same as those listed in item 17a.

ACTION: Approved

AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas

ABSENT: Theoharis

MOTION: 16274

17d. 2000.541EKXBCTHA (LeBLANC: 558-6351)

350 BUSH STREET - a group of lots from Bush Street through to Pine Street and between Montgomery and Kearny Streets, Lots 2, 2A, 3, 22, 24, 25 and 26 in Assessor's Block 269 - Request under Planning Code Section 302(c) for approval of an Amendment to Article 11, Appendix B of the Planning Code to allow for an addition to the San Francisco Mining Exchange Building to be set back 30 feet instead of 60 feet from Bush Street. The Project consists of the construction of a 19-story, 250-foot tall office and retail building above, beside and behind the Mining Exchange Building. This project lies within a C-3-O (Downtown, Office) District and within a 250-S Height and Bulk District. See other approvals required, below.

Preliminary Recommendation: Approval with conditions

(Continued from Regular Meeting of November 1, 2001)

SPEAKER(S): Same as those listed in item 17a.

ACTION: Approved

AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas

ABSENT: Theoharis

MOTION: 16275

17e. 2000.541EKXBCTHA (LIGHT: 558-6254)

350 BUSH STREET - a group of lots from Bush Street through to Pine Street and between Montgomery and Kearny Streets, Lots 2, 2A, 3, 22, 24, 25 and 26 in Assessor's Block 269 - Request under Planning Code Article 11 for approval of a Permit to Alter for alteration of the Mining Exchange Building, rated Category II. The Project consists of the construction of a 19-story, 250-foot tall office and retail building above, beside and behind the Mining Exchange Building. This project lies within a C-3-O (Downtown, Office) District and within a 250-S Height and Bulk District. See other approvals required, below.

Preliminary Recommendation: Approval with conditions

(Continued from Regular Meeting of November 1, 2001)

SPEAKER(S): Same as those listed in item 17a.

ACTION: Approved

AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas

ABSENT: Theoharis

MOTION: 16276

17f. 2000.541EKXBCTHA (LIGHT: 558-6254)

350 BUSH STREET - a group of lots from Bush Street through to Pine Street and between Montgomery and Kearny Streets, Lots 2, 2A, 3, 22, 24, 25 and 26 in Assessor's Block 269 - Request under Planning Code Section 1006 for approval of a Certificate of Appropriateness for alteration of the San Francisco Mining Exchange Building, Landmark #113. The Project consists of the construction of a 19-story, 250-foot tall office and retail building above, beside and behind the Mining Exchange Building. This project lies within a C-3-O (Downtown, Office) District and within a 250-S Height and Bulk District.

Preliminary Recommendation: Approval with conditions

(Continued from Regular Meeting of November 1, 2001)

SPEAKER(S): Same as those listed in item 17a.

ACTION: Approved



AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas

ABSENT: Theoharis

MOTION: 16277

18a. 2001.0117CV (CRAWFORD: 558-6358)

243 DUBOCE AVENUE - between Market and Guerrero Streets, Assessor's Block 3534, Lot 064 - Request under Planning Code Sections 209.3(j) to expand a religious institution (Tu Quang Pagoda). This project is a 396 square foot addition to the rear of the second floor of the existing temple. This project lies within an RH-3 (Residential House, Three-Family) District and within the 80-B Height and Bulk District.

Preliminary Recommendation: Approval with Conditions.

(Continued from Regular Meeting of November 1, 2001)

SPEAKER(S):

(+) (first name not clear) Ton – Project Architect

- He would like to extend this project 11 feet to install a Buddha statue.

ACTION: Approved

AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas

ABSENT: Theoharis

MOTION: 16278

18b. 2001.0117CV (CRAWFORD: 558-6358)

243 DUBOCE AVENUE - between Market and Guerrero Streets, Assessor's Block 3534, Lot 064 - Request for a Variance from the requirements of Planning Code Section 134(a)(2), rear yards, to encroach 11.5 feet into the required 22.5 foot required rear yard. This project is a 396 square foot addition to the rear of the second floor of the existing temple. This project lies within an RH-3, Residential House, Three-Family District and within the 80-B Height and Bulk District

(Continued from Regular Meeting of November 1, 2001)

SPEAKER(S): Same as those listed in item 18a.

ACTION: Rear Yard Variance Granted by Zoning Administrator

19. 2000.319B (LeBLANC: 558-6351)

235 - 2nd STREET - east side of 2nd Street between Howard and Folsom Streets, with secondary frontages on Tehama and Clementina Streets, Lots 60, 61, 62, 64 - 67 in Assessor's Block 3736 - Request under Planning Code Sections 320-325 (Office Development Limitation Program) for the conversion of 64,000 gross square feet of production/light manufacturing/shipping/distribution space to office use. The proposal represents a modification of uses approved by the Commission on March 2, 2000 as Case No. 1999.176BX, Motion Nos. 15003 and 15004, for the construction of a 7-story building containing 244,000 gross square feet, 180,000 of which was office space. The proposal would convert the remaining non-office space to office use. The building was recently completed and is occupied by CNet. The Project site is within C-3-O(SD) (Downtown Office-Special Development) and 220- and 350-S zoning districts.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of November 1, 2001)

SPEAKER(S):

(+) Jim Reuben – Reuben and Alter – Representing Project Sponsor

- This project was previously approved for Williams-Sonoma.

- CNet came in and took over the space designated as office.

- Now that there is available space, CNet would like to occupy this available space in order to expand their offices fully.

ACTION: Approved

AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas

ABSENT: Theoharis

MOTION: 16279

20. 2001.0444B (MILLER: 558-6344)

38 - 44 TEHAMA STREET (A.K.A. 543 HOWARD STREET) - located on the northwest side of Tehama Street between First and Second Streets, Assessor's Block 3736, Lot 111 - Request for authorization of office space in excess of 49,999 square feet under Section 321 of the Planning Code to permit conversion of existing non-office space to office space, and the creation of additional office floor area, not to exceed 75,000 square feet of total office space. On September 7, 2001, the Planning Commission approved a 49,500 square foot office project (out



of the "Reserve for Smaller Buildings", i.e., up to 50,000 gross square feet of floor area -- established by Code Section 321(b)(4)) pursuant to Planning Commission Motion No. 15967 (Case No. 1999.668!BEKX). This project would provide a net increase in office space at this location of 25,500 square feet above what was approved previously (thereby requiring the aforesaid 49,500 square feet of office space to be restored to the "Reserve for Smaller Buildings" and all of the subject requested 75,000 square feet of floor area to be subtracted from the unallocated remainder of the annual 875,000-square-foot total of available office allocation as established by Code Section 321(a)(1)). This project does not include any physical changes to the exterior of the already-approved building, and only allows internal modifications and the conversion of the basement and rear portions of the first level (fronting on Tehama Street) to office space. The project is within a C-3-O (SD) (Downtown Office-Special Development) District and 200-S and 350-S Height and Bulk District.

Preliminary Recommendation: Approval with Conditions  
 (Continued from Regular Meeting of November 1, 2001)

## SPEAKER(S):

(+) Andrew Junius – Reuben and Alter

- The renovation project, which was approved last year, should be occupied by May next year.

- All they are asking for is to fill the entire space as office space.

ACTION: Approved

AYES: Baltimore, Fay, Joe, Lim, Salinas

NAYES: Chinchilla

ABSENT: Theoharis

MOTION: 16280

21. 2001.0554G

(LIGHT: 558-6351)

572 FOLSOM STREET - north side between First and Second Streets. Assessor's Block 3736, Lot 25. A brick, industrial building built in 1912. The subject property is a Category V (Unrated) building, is zoned C-3-O (SD) (Downtown Office, Special District) and is in a 200-S Height and Bulk District. Request for the Planning Commission recommendation on a proposal to change the Article 11 designation of the building from Category V (Unrated) to Category III (Contributory).

Preliminary Recommendation: Approval

## SPEAKER(S):

(+) Bob Meyers

- The owners of this building would like to increase the rating of their building so they can preserve it.

- This commercial building is very rare and is one of the oldest buildings of the area.

- Minor improvements were done to the building and were done with great care.

(+) Eileen Bier

- Her grandfather built this building as a warehouse in 1912.

- She and her brother seismically upgraded the building and brought it up to code.

- She is requesting that the designation be granted.

ACTION: Approved

AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas

ABSENT: Theoharis

MOTION: 16281

22. 2000.1141C (SANCHEZ: 558-6679)

2346 - 2348 CLEMENT STREET - north side between 24th and 25th Avenues, Lot 025 in Assessor's Block 1409 - Request for Conditional Use authorization under Planning Code Section 717.39 to allow the demolition of an existing mixed-use building with a residential unit at the second floor and under Planning Code Section 161(j) to allow the construction of a four-story mixed-use building (four residential units and one commercial unit) without the four required residential parking spaces, within the Outer Clement Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions  
 (Continued from Regular Meeting of September 20, 2001)

## SPEAKER(S): None

ACTION: Without hearing, continued to January 24, 2002

AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas

ABSENT: Theoharis

23a. 2001.0676CR

(SMITH: 558-6322)



1935 - 32ND AVENUE (SAN FRANCISCO FIRE STATION #18) - west side of the street between Pacheco and Ortega Streets, Lot 006 in Assessor's Block 2102 - Request by Metro PCS for Conditional Use Authorization under Planning Code Sections 234.2 and 209.6 (b) to install three panel antennas, one GPS antenna, and associated equipment cabinets on the rooftop of a fire station located in a P (Public Use) District and 40-X Height and Bulk District. The subject site is a Location Preference 1 site according to the Wireless Telecommunications Services (WTS) Siting Guidelines, as it is a publicly used structure.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

Re: Request for continuance

Kerrie Marshall

- There are a lot of people here to speak strongly against this case and she is not in agreement to a continuance. All these people have taken time off from work.

Debra Stein

- The reason of the continuance is because Metro PCS would like to locate another site for these antennas.

Did not state name

- He is against the continuance of this project because this corporation has had a lot of time to prepare and analyze this location. There are a lot of people here that would like to speak about this project. He believes that this is just a tactic of Metro PCS to make it more difficult for residents to address this Commission.

SPEAKER(S):

(-) Kerrie Marshall

- She lives on 31st and Pacheco Avenues.

- She is totally against these antennas being placed on top of the firehouse but one issue specifically she is concerned about is that the antennas are going to be placed very close to the area where the women's changing room is located.

- She does not want to be afraid to live in her neighborhood.

(-) Timothy Yu

- He is strongly against this project because of the long term health affects this will have on him and his family. He has an infant and a toddler and worries for their health.

- He lives on 32nd Avenue.

- House values will be depreciated also.

(-) Jeanette Lagomarsino

- Although this site is considered a preference 1, there are many residential houses around the firehouse.

- They are opposed to any antennas installed at this firehouse since it would be as if the antennas were installed on top of their house. Their house is adjacent to the firehouse.

(-) Alisa Tang

- She lives behind the firehouse. Her concerns are about the property values going down.

- There are a lot of service providers already so they don't need another one.

- These antennas will not enhance emergency services.

(-) John S. Walters – Firefighter

- He works from this fire station and is very opposed to these antennas.

- He displayed a diagram of where the generator will be located.

(-) Fred Leong

- He is very opposed to this project.

- He read a testimony from previous speaker.

(-) Yuk Lan Lee

- Ever since she heard about the antennas she has been opposed to them and the health effects of this antenna to her and her family.

- She begs the Commission to deny this project.

- There are a lot of Chinese residents in the neighborhood and cannot speak English who could not come here to oppose this project.

(-) Hank Chen

- It is worth it for him to take the day off from work and be here to oppose this project.

- He hopes that the owners of these antennas will take more of an effort to look for another location.

- His wife is pregnant and he is very worried about the radiation effects to his wife and the baby.

(-) Sigrid Ford

- She lives 1 block from the fire station.

- Antennas surround her house.

- She does not want to become the industrial complex of cell phone companies.

(-) Sally Ly



- She is totally against this project.
- She is worried about the health affects this antenna will have on the residents.
- There are other alternative locations in the City where Metro can locate the antennas and not affect residents.
- (-) Martin Marshall
  - The firemen don't want this antenna; the people in this neighborhood don't want these antennas either.
  - The only people who want these antennas are Willie Brown and Metro PCS.
- There is a reservoir that can be a better source for these antennas since it is taller than the firehouse and there are no people around it.
- (-) Charles Go
  - He is here to speak on behalf of himself and his mother.
  - He lives near the firehouse.
- He strongly opposes this project because of 3 aspects: health; decrease of property value; and providing services to the community.
- He is not volunteering to be a guinea pig for this project.
- (-) Rima Missakiani
  - She is a professional nurse and is worried about the health danger and psychological affects these antennas will have on the residents.
  - As a professional nurse she is aware of these health problems.
  - The resistance of their bodies is lowered and (people) are prone to diseases.
  - Another issue she has is that the property values of the homes surrounding the fire station will decrease.
- (-) Nina Chang
  - She lives on Ortega Street.
  - This hearing is very important to her and her neighbors.
  - She opposes this project.

ACTION: Continued to January 17, 2002. The Public Hearing Remains Open.

AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas

ABSENT: Theoharis

### 23b. 2001.0676CR

(SMITH: 558-6322)

1935 - 32ND AVENUE (SAN FRANCISCO FIRE STATION #18) - west side of the street between Pacheco and Ortega Streets, Lot 006 in Assessor's Block 2102 - Request by Metro PCS for a General Plan Referral pursuant Section 4.105 of the City/County Charter to install three panel antennas, one GPS antenna, and associated equipment cabinets on the rooftop of a fire station located in a P (Public Use) District and 40-X Height and Bulk District.

Preliminary Recommendation: Finding of consistency with the General Plan

SPEAKER(S): Same as those listed in item 23a

ACTION: Continued to November 15, 2001

AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas

ABSENT: Theoharis

## F. DISCRETIONARY REVIEW HEARING

At Approximately 5:02 PM the Planning Commission convened into a Discretionary Review (DR) Hearing to hear and act on Discretionary Review matters.

### 24. 2001.0845D (SIDER: 558-6697)

2551 – 2557 MISSION STREET - east side between 21st and 22nd Streets, Lot 023 in Assessor's Block 3615 - Mandatory Discretionary Review of Building Permit Application Number 2001/06/13/1442 proposing to (1) change the use of the existing vacant movie theatre (Planning Code Sections 712.46 and 790.64) to a health club and indoor rock climbing facility (a 'personal service' pursuant to Sections 712.52 and 790.116), (2) perform interior renovations commensurate with the proposed use, and (3) perform exterior modifications including façade improvements, rooftop mechanical expansions, and an exterior 'fill-in' on the ground level street frontage. Discretionary Review is required by Board of Supervisors Resolution Number 518-01 (Mission District Interim Controls) for any permit proposing to change the use of a property within the Mission District. The subject property is located in an NC-3 (Moderate Scale Neighborhood Commercial) Zoning District and a 65-B Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve the project as proposed, with conditions.

(Continued from Regular Meeting of November 1, 2001)



**SPEAKER(S):**

(+) Mark Melvyn - Applicant

- His company is a Mission-based business.

- They opened Mission Cliffs on 19th and Harrison Streets in 1995.

- Their vision is to provide rock climbing as a fitness alternative.

- They support kids at risk or adults in need and work with various schools to provide programs for youth.

- This location is ideal for them.

(+) Charles Hemminger – Project Architect

- He also worked on the previous Mission Cliffs

- On the second floor there will be space for aerobic use and a boxing gym; the third floor will have two dance studios.

- After working in the Mission for 15 years, he is aware that residents are interested in the arts.

- This facility will definitely not be an upscale gym or a bay club.

- The façade will remain and the renovation will be interior.

(+) Colie McHeery – Business Owner

- She works and owns the business across the street.

- This building has been vacant since 1989. The place has been a mess for many years.

- There are many businesses that have complained about the situation the building is in.

- She totally supports this project.

(+) Guillermo Torres – Member of Mission Dignity Organization

- He has been a member of Mission Cliffs for two months already.

- These are the kind of activities that the youth of the Mission need and want.

- He supports this project.

(+) Josette Mourie – Business Owner

- She owns the building next door to the proposed health club.

- She would very much like to have this project approved.

- This will provide a place for people to go instead of hanging out at street corners.

(+) Bruce McDonald – Business Owner

- He owns two businesses across the street from this project.

- He supports this project.

- As a restaurant, he has no objections to the planned café. Regarding the parking issue, he is aware that there is less activity on the street during the hours of 6 and 9 p.m.

(-) Luis Granados – Mission Anti-Displacement Coalition

- He would like to thank the staff of the Planning Department for working with them on their issues.

- This project seems to be a high-end, high concept project in this area that doesn't really provide benefit to the local residents.

- He would like to have the pricing structure be modified.

- Parking is also an issue on an already congested area.

ACTION: Continued to December 6, 2001. The sponsor is to continue to work with staff and community groups to develop "good neighbor" conditions.

AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas

ABSENT: Theoharis

25. 2001.0730D (CABREROS: 558-6169)

3059 CALIFORNIA STREET - south side between Lyon and Baker Streets; Lot 31 in Assessor's Block 1030 - Staff-initiated request for Discretionary Review of Building Permit Application No. 2001/04/11/6535 proposing to merge an existing four-unit building into a two-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary recommendation: Take Discretionary Review and disapprove the proposed merger.

(Continued from Regular Meeting of November 1, 2001)

**SPEAKER(S):**

(+) Mark Thomas – Project Architect

- The Planning Department states that this project meets criteria 2, 3, and 5 and that criteria 4 is not applicable to this merger.

- This project also meets criteria 1 and the objectives of the planning code and the general plan since this project has been vacant for about 25 years. This unit has not been available for the housing supply and there is no displacement or hardship.

- There are records that show that this house was originally two units in 1885 – consistent with the zoning and the density of the neighborhood.



- The layout of the units is not functional. One bedroom needs to be used as a hallway to get to the kitchen.
  - He hopes that the Commission approves this project to provide a home for his family and another San Francisco family without any detriment to the City.
- (+) Steve Lepisto
- He was looking for a single family house or a two unit house so he wouldn't have to evict anyone.
  - He would like to live here with his family and his father.
  - The building was originally built for two units and then divided into four units.
  - In order to keep the building as it is, it would require extensive renovation. For example, adding stairs to access these units.
  - He hopes that the Commission approves this project where housing was not available for many years.

ACTION: Do not take Discretionary Review and Approve Merger

AYES: Baltimore, Fay, Chinchilla, Lim

NAYES: Joe, Salinas

ABSENT: Theoharis

26. 2001.1042D

(SMITH: 558-6322)

926 - 928 DIAMOND STREET - west side of the street between Jersey and 25th Streets, Lot 005 in Assessor's Block 6540 - Staff initiated request for Discretionary Review of Building Permit Application No. 2001/04/25/7690, proposing to merge units 926, 928, and 928A in order to reduce the number of dwelling units in the building from to 1, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and disapprove the project.

SPEAKER(S):

(+) Pinchas Nagar – Property Owner

- He purchased the property in 1999.
- He gave his tenant enough time to move out.
- He needs the space for his family.
- He has tried to fix the space so that his family can live comfortably.
- Whatever the department has recommended he has done.
- The house originally was built for two units.
- He hopes that the Commission will approve this merger.

ACTION: Do not take Discretionary Review and Approve the two-unit building presented to the Commission today.

AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas

ABSENT: Theoharis

27. 2000.0023D 2001.0023D

(SIROIS: 558-6313)

1187 NOE STREET - east side of Noe Street, between Jersey and 25th Streets, Lot 028, in Assessor's Block 6537 - Request for Discretionary Review of Demolition Permit Application No.2000/07/10/4707 and Building Permit Application No. 2000/07/10/4705 to demolish an existing two-family dwelling and to construct a new two-family dwelling in an RH-2 (Residential, Two Family House) District and a 40-X height and Bulk District.

Preliminary Recommendation: Do not take DR and approved project as proposed.

SPEAKER(S):

(-) Mike Underhill – DR Requestor

- He lives next door to the proposed project.
- He really has two separate issues: 1) demolition and 2) construction.
- He does have view and property value issues. Yet the most important issue he has is the threat to his life and his family's.
- His main concern is that there is no consideration to the threat he and his family would have if there was a fire on the wall which is being built too close to a north facing window.

(+) Phil Mathews – Project Architect

- The project sponsor has lived in this house for about 18 years.
- He described how deteriorated the façade of the home is, as well as the interior of the house.
- The DR requestor did not specify that there is already a window in the bedroom which he has concerns about.
- DBI has strict guidelines on property line windows.

(+) John Ridenower – General and Electrical Contractor

- He has known the project sponsor for about 15 years.
- The project sponsor is not a developer as the DR requestor has stated.
- He knows that neither property line windows nor views are protected under the code.
- He has followed every procedure since the first day.



(+) Gunther Garp – Project Sponsor

- He would like to add that Mr. Underhill is concerned about the fire that could spread to his property. Yet there is also the problem of fire from Mr. Underhill's home.

ACTION: Take Discretionary Review and approve with a good neighbor gesture and require a cut out (at the Director's direction on size and angle) adjacent to the DR Requestor's bedroom property line window.

AYES: Baltimore, Fay, Joe, Chinchilla, Lim, Salinas

ABSENT: Theoharis

#### F. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Abdulah Megahed

- Invitation to the Planning Commission to a Thanksgiving Day dinner for the homeless that will be held on November 22, 2001.

Adjournment: 7:26 p.m.

THE DRAFT MINUTES WERE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, DECEMBER 13, 2001.

SPEAKERS: None

ACTION: Approved with varrious corrections to the spelling of some names.

AYES: Chinchilla, Joe, Salinas, Theoharis

ABSENT: Baltimore, Fay, Lim

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12/28/2001 12:27:15





# SAN FRANCISCO PLANNING COMMISSION

## SAN FRANCISCO PLANNING COMMISSION

### Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, November 15, 2001  
1:30 PM  
Regular Meeting

PRESENT: Theoharis, Fay, Baltimore, Chinchilla, Lim, Salinas  
ABSENT: Joe

MEETING WAS CALLED TO ORDER BY PRESIDENT THEOHARIS AT 1:42 P.M.

STAFF IN ATTENDANCE: Gerald G. Green – Director of Planning; Larry Badiner – Zoning Administrator; Kelly LeBlanc; Adam Light; Matt Snyder; Winslow Hastie; Scott Sanchez; Rick Crawford; Dan DiBartolo; Dan Sider; Jim Miller; Glen Cabreros; Frank Jones; Daniel Sirois; Patricia Gerber – Transcription Secretary; Linda D. Avery – Commission Secretary

### A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2001.0062E (CHAN: 558-5982)  
491 BAYSHORE BOULEVARD – Appeal of a Preliminary Negative Declaration. Assessor's Block 5598, Lots 8, 9, 11, 13, 15, 16, 18, 21, and 28. The proposed project would demolish the vacant buildings, totaling 107,372 square feet (sq.ft.) and construct a home improvement store (Home Depot). The main store would be two stories, approximately 129,581 sq.ft. with a 10,088-sq.-ft. enclosed green house. The proposed project also includes an 8,550-sq.-ft. outdoor-garden center. The total project size would be approximately 148,219 sq.ft. The building would be approximately 40 feet in height. A parking garage consisting of three-levels of parking totaling 550 parking spaces would also be constructed on this 5.73-acre site. Vehicular access to the parking garage would be from Bayshore Boulevard, where Cortland Avenue dead-ends into Bayshore Boulevard. The site is within the Planning Commission's adopted Industrial Protection Zone (IPZ) and is located in a M-1 (Light Industrial) zoning district and within a 65-J height and bulk district.

Preliminary Recommendation: Uphold Preliminary Negative Declaration  
(Proposed for Continuance to December 6, 2001)

SPEAKER (S): None  
ACTION: Continued as proposed  
AYES: Theoharis, Fay, Baltimore, Chinchilla, Lim, Salinas  
ABSENT: Joe

2. 2001.0502C (SANCHEZ: 558-6679)  
4715 - 4723 GEARY BOULEVARD - south side between 11th and 12th Avenues; Lot 044 in Assessor's Block 1533 - Request for Conditional Use authorization pursuant to Section 712.83 of the Planning Code to install a of six antennas and related equipment on the rooftop and an equipment shelter on the ground level of an existing six-story, mixed-use (residential above commercial) building, as part of Metro PCS's wireless telecommunications network within an NC-3 (Moderate-Scale Neighborhood Commercial District) a 40-X Height and Bulk District. As per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the proposal is a Location Preference 5 (Mixed-Use Building in High Density Districts).

Preliminary Recommendation: Pending

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(Continued from Regular Meeting of November 1, 2001)  
(Proposed for Continuance to January 24, 2002)

SPEAKER (S): None  
ACTION: Continued as proposed  
AYES: Theoharis, Fay, Baltimore, Chinchilla, Lim, Salinas  
ABSENT: Joe

3. 2001.0700C (DiBARTOLO: 558-6291)

501- 507 HOWARD STREET - southwest corner at Howard and First Streets, Lot 121 (formerly lots 1, 2, 3A, 4 and 116) in Assessor's Block 3736 - Request for temporary two year Conditional Use authorization for a public commercial surface parking lot in a C-3-0 (SD) District and a 200-S Height and Bulk District. The proposal is to construct a temporary expansion to an existing parking lot on the subject vacant site. The Conditional Use authorization would be valid for two years only as an interim use. The Site consists of (5) five former lots merged into a new lot. The existing surface parking lot occupies 56% or 16,500 square feet of the 29,715 square foot newly merged lot. The proposal would expand the temporary parking use to cover the entire site. The parking capacity will be increased by 15 cars, for a total of 110 self-park spaces, including five handicapped spaces.

Preliminary Recommendation: Pending

(Continued from Regular Meeting of October 18, 2001)

PROJECT WITHDRAWN

B. COMMISSIONERS' QUESTIONS AND MATTERS

4. Consideration of Adoption - draft minutes of September 6, 2001.

ACTION: Approved  
AYES: Theoharis, Fay, Baltimore, Chinchilla, Lim, Salinas  
ABSENT: Joe

5. Commission Matters

THEOHARIS: Requested a written memorandum addressed to this Commission regarding on the Joint Hearing on January 24, 2001

SALINAS: Requested site visits on all items that (require) sound or unsound reports

AVERY: - Announced that there is a proposed joint hearing with the Department of Building Inspection Commission on January 24, 2001, regarding Unlawful Demolitions

- The annual Department Holiday Party will be held in December – will keep you informed

C. DIRECTOR'S REPORT

6. Director's Announcements

- Welcome back President Theoharis
- Requested that on December 6, 2001 an item be calendar to allow the DBI Director, Frank Chu, to announce some changes in the direction and development of Unsound Building Reports

7. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

B of S: None

B of A: - 835 Lombard Street – Upheld CPC decision to deny the permit

- 2836 Washington Street – Continued the matter to allow DBI staff and the Zoning Administrator to visit the site

8. (GREEN: 558-6411)

Modified Work Program/Budget for FY 2001-2002.

(Continued from Regular Meeting of November 8, 2001)

SPEAKERS: None

ACTION: INFORMATIONAL. NO ACTION REQUIRED

9. YOUNG COMMUNITY DEVELOPERS

Presentation by the Young Community Developers Incorporated. Introduction of who they are and what they do. They will also discuss how the planning process impact their economic growth.



SPEAKER(S):

(+) Dwayne Jones

- Gave a presentation on the services and programs the organization provides to the community

(+) Eloise Patten

- Thanked Commission for allowing them to make this presentation and gave closing remarks

ACTION: INFORMATIONAL. NO ACTION REQUIRED

D. REGULAR CALENDAR

10. 2000.938X (LeBLANC: 558-6351)

60 SPEAR STREET - southwest corner at Mission Street, Lot 023 in Assessor's Block 3712, - Request under Planning Code Section 309(g) for the Planning Commission Review related to Compliance with Sections 138 and 138.1 for the Project proposed in Building Permit Application No. 2000/09/14/8349, which consists of the expansion of an existing 5,305 square-foot ground floor retail space. An existing arcade area of approximately 3,155 square feet along Spear and Mission Streets would be enclosed and incorporated into the retail space, resulting in a total ground floor retail area of approximately 8,460 square feet. The total gross floor area of the building (pursuant to Section 102.9) with the expanded ground floor retail space would be 150,491 square feet, for an F.A.R. of 8.1. The Project lies within a C-3-O Zoning District and an 84-X Height and Bulk District.

Preliminary Recommendation: Deny request for hearing

SPEAKER(S): None

ACTION: Request for a Public Hearing Denied

AYES: Theoharis, Fay, Baltimore, Chinchilla, Lim, Salinas

ABSENT: Joe

MOTION No. 16282

11a. 2000.383CX (LIGHT: 558-6254)

72 ELLIS STREET - north side between Powell and Stockton Street, Lot 11, in Assessor's Block 327 - Request under Planning Code Section 216(b)(i) for a Conditional Use authorization to allow construction of an 11-story, 125-foot tall hotel containing approximately 156 rooms, lobby, small accessory meeting rooms, and a restaurant a C-3-R (Downtown, Retail) zoning district, an 80-130-F height and bulk district, and the Kearny-Market-Mason-Sutter Conservation District. The site is currently used as a surface parking lot.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) Yvonne (unclear last name), Project Sponsor

- Thanked the Commission for allowing them to present this item

- Introduced some of their staff

- This is a wonderful location--very accessible to public transportation

- Took a long time to make a selection on the right design for the project

- We agreed with all the conditions of approval in the motion

(+) Michael, Project Architect

- Gave a brief description of the project

ACTION: Approved

AYES: Theoharis, Fay, Baltimore, Chinchilla, Lim, Salinas

ABSENT: Joe

MOTION No. 16283

11b. 2000.383CX (LIGHT: 558-6254)

72 ELLIS STREET - north side between Powell and Stockton Street, Lot 11, in Assessor's Block 327 - Request under Planning Code Section 309 (Downtown Code) for Determinations of Compliance for a project exceeding 75'-0" in height and 50,000 square feet, and also seeking Exceptions, including a height exception in the 80-130-F Height and Bulk district (Section 263.8), and a bulk exception (Section 272). The proposed project is for construction of an 11-story, 125-foot tall hotel containing approximately 156 rooms, lobby, small accessory meeting rooms, and a restaurant in a C-3-R (Downtown, Retail) zoning district, an 80-130-F height and bulk district, and the Kearny-Market-Mason-Sutter Conservation District. The site is currently used as a surface lot. Pursuant to Planning Code Section 313, the Department has determined that the project would result in the net addition of approximately 76,554 square feet of gross floor area hotel use, requiring compliance with the Jobs-Housing Linkage Program.

Preliminary Recommendation: Approval with Conditions



SPEAKER(S): Same as those listed in item 11a  
 ACTION: Approved  
 AYES: Theoharis, Fay, Baltimore, Lim, Salinas  
 NAYES: Chinchilla  
 ABSENT: Joe  
 MOTION No. 16284

12. 2001.0689B (M. SNYDER: 575-6891)

250 BRANNAN STREET - (Historical Name: H.S. Crocker Building), north side between Delancey Street (1st Street) and 2nd Street, Lot 25 in Assessor's Block 3774. The building is a contributory structure to the South End Historic District. Request for office space allocation under Planning Code Sections 313, 314, and 320-325. The proposal includes converting 113,540 gross square feet of business service use to office use in an existing three story-over-basement warehouse structure. The property is within an SSO (Service / Secondary Office) District, a 50-X Height and Bulk District, and the South End Historic District.

Recommendation: Approval with Conditions

SPEAKER(S):  
 (+) Jim Ruben, Representing Project Sponsor  
 - Asked Commission to approve the office designation  
 ACTION: Approved  
 AYES: Theoharis, Fay, Baltimore, Chinchilla, Lim, Salinas  
 ABSENT: Joe  
 MOTION No. 16285

13. 2001.0913L (HASTIE: 558-6381)

128 KING STREET - north side between 2nd and 3rd Streets. Assessor's Block 3744, Lot 23 - A contributory building to the South End Historic District. Built in 1913, this three -story brick structure was originally used as a dried fruit warehouse, and is currently used for office, retail and restaurant uses. The building is within an M-2 (Heavy Industrial) District, and is in a 105-F Height and Bulk District. Consideration of landmark designation and adoption of a resolution recommending landmark designation of the Garcia & Maggini Warehouse at 128 King Street as Landmark No. 229.

Preliminary Recommendation: Adopt a resolution approving landmark designation and recommending that the Board of Supervisors approve the landmark designation.

SPEAKER(S):  
 (+) Tim Kelly, President, Landmarks Board  
 - Asked Commission to support this nomination  
 ACTION: Adopted Landmark Designation  
 AYES: Theoharis, Fay, Baltimore, Chinchilla, Lim, Salinas  
 ABSENT: Joe  
 MOTION No. 16286

14. 2001.0605C (SANCHEZ: 558-6679)

510 FREDERICK STREET - north side between Willard and Stanyan Streets; Lot 006 in Assessor's Block 1263 - Request for Conditional Use authorization pursuant to Section 710.83 of the Planning Code to install a total of three antennas and related equipment on the rooftop and an equipment shelter on the basement level of an existing four-story, mixed-use (residential above commercial) building, as part of Metro PCS's wireless telecommunications network within an NC-1 (Neighborhood Commercial Cluster District) a 40-X Height and Bulk District. As per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the proposal is a Location Preference 2 (co-location site).

Preliminary Recommendation: Approval with conditions  
 (Continued from Regular Meeting of October 25, 2001)

SPEAKER(S):  
 (+) Debra Stein, Representing Metro PCS  

- This new program will help the underprivileged people in San Francisco
- The proposed staff recommended conditions are acceptable
- There were community meetings
- Metro PCs is not providing the same kind of wireless service that is available in San Francisco by other carriers



- Metro PCS is providing service for people that are outside the wireless services, people who can not pass the credit check, people who may not be able to keep a long term contract, do not have the sophisticated language skills.

(-) Doug Loranier

- These antennas are not necessary to be installed in this area

- Asked Commission to continued this issue to get a full report regarding the burntout building

(-) Gordon Winiemko

- Sponsor claimed that these antennas would serve the low-income people. This neighborhood is not low-income

- Do not approve this application

(-) Tracey Hughes

- This installation should not even be considered on this burntout building

ACTION: Continued to 12/20/01 for staff to find out the plans to put this vacant/burntout building back in use. Public hearing remains open.

AYES: Theoharis, Baltimore, Chinchilla, Lim, Salinas

NAYES: Fay

ABSENT: Joe

#### 15. 2000.1190C (SANCHEZ: 558-6679)

2801-2825 CALIFORNIA STREET - southwest corner at Divisadero Street; Lot 001 in Assessor's Block 1028 - Request for Conditional Use authorization pursuant to Section 711.83 of the Planning Code to install a total of three antennas and GPS receiver on the roof with related connection to an equipment shelter within the basement of an existing three-story, mixed-use building, as part of Sprint PCS's wireless telecommunications network within an NC-2 (Small-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District. As per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the proposal is a Preferred Location Preference 5 as it is a mixed-use building within a high-density district.

Preliminary Recommendation: Approval with conditions

(Continued from Regular Meeting of October 25, 2001)

SPEAKER(S):

(+) Jennifer Estes, Representing, Sprint PCS, Project Sponsor

- Complies with the WTS guidelines, the San Francisco Municipal Code and the FCC Radio Frequency Emission Standards

- Design is unobtrusive and in character with the neighborhood

- These antennas are necessary to provide better service to this area in San Francisco

- All community members were notified

(-) David Berman

- Opposes this PCS application

- There was no adequate outreach to the community

(-) Doug Loranier

- Opposed installation

(-) Gordon Winiemko

- Urged Commission to deny application

(-) Michael Stenborg

- Opposes installation of these antennas near a school site

(-) Mark Zier

- Opposed installation

(-) Steve Eastman

- Opposed installation

(-) Tracy Hughes

- Urged Commission to deny this application

(-) David Knudsen

- Concerned about the price value of his home

ACTION: Approved

AYES: Theoharis, Fay, Baltimore, Chinchilla, Salinas

NAYES: Lim

ABSENT: Joe

MOTION No. 16287

#### 16. 2001.0713C (SANCHEZ: 558-6679)

2000 VAN NESS AVENUE - west side at Jackson Street; Lot 005 in Assessor's Block 0595 - Request for Conditional Use authorization pursuant to Section 209.6(b) of the Planning Code to install a total of



six antennas and related equipment on the rooftop of an existing seven-story, wholly commercial building, as part of Metro PCS's wireless telecommunications network within an RC-4 (Residential-Commercial Combined, High Density) Zoning District, the Van Ness Special Use District, and an 80-D Height and Bulk District. As per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the proposal is a Location Preference 2 (co-location site).

Preliminary Recommendation: Approval with conditions  
(Continued from Regular Meeting of November 1, 2001)

SPEAKER(S):

(+) Debra Stein, Representing Metro PCS

- This application complies with FCC standards. It has been categorically exempt from environmental review for minimum impact

- Community meetings were held
  - Urged the Commission to approve this application
- (-) Doug Loranier
- Opposed installation
- (-) Gordon Winiemko
- Opposed installation
- (-) Tracy Hughes
- Opposed installation
- (+) Bill Linert, PCS representative

- Gave an explanation on the need for the antennas

ACTION: Approved

AYES: Theoharis, Fay, Baltimore, Chinchilla, Lim,

NAYES: Salinas

ABSENT: Joe

MOTION No. 16288

17. 2001.0790C (CRAWFORD: 558-6358)

1745 TARAVAL STREET - (between 27th and 28th Avenues), Assessor's Block 2398 (Lot 041) -

Request under Planning Code Sections 711.42 for Conditional Use Approval for a full service restaurant. This project is for a 1,800 square foot full service restaurant on the ground floor of the existing building. This project lies within a NC-2, Small Scale Neighborhood Commercial District, the Taraval Street Restaurant and Fast Food Sub district, and within the 80-B Height and Bulk District

Preliminary Recommendation: Approval with conditions

SPEAKER(S):

(+) Jackie Lee, Project Sponsor

- Asked Commission to approve this project
- This café will be an asset to the neighborhood
- Parking is not a problem. There are lots of off-street parking spaces in the neighborhood
- This area needs to attract more business

(+) Gary Presley-Nelson

- Appreciates this kind of business coming to the neighborhood
- This will enhance the neighborhood

(+) Maggie Wong

- Happy to hear that there will be a new café in the neighborhood
- Parking is not a problem

ACTION: Approved as amended:

- Strike item #7 that talks about lapse of use in the Conditions of Approval because the Planning Code contains extensive requirements on what happens when a non-conforming use or conditional use has a lapse for 3 years or more.

AYES: Theoharis, Fay, Chinchilla, Lim, Salinas

NAYES: Baltimore

ABSENT: Joe

MOTION No. 16289

18. 2001.0909C (SIROIS: 558-6313)

1800 - 1820 SAN JOSE AVENUE - west side of San Jose Avenue, between Colonial Way and Santa Rosa Avenue, Lot 031 Assessor's Block 3144A - Request to modify a condition of a previously granted conditional use (Case No. 2001.0092C Motion No. 16209) that required the provision of three affordable housing units for an



18-unit mixed use project. The request is to modify the condition pursuant to Section 303 (e) of the Planning Code from three (3) units of affordable housing to two (2) units. The proposal remains the same as previously presented to the Planning Commission on August 8, 2001, which is to demolish a service station pursuant to Planning Code Section 228.3, and to develop 18 residential units and approximately 1600 square feet of ground floor commercial spaces in two buildings on two lots greater than 5000 square feet in an NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District pursuant to Planning Code Section 710.11 and 121.1.

Preliminary Recommendation: No Recommendation, Request Relates Solely to Implementation of Commission Policy.

**SPEAKER(S):**

(+) Jim Ruben, Project Sponsor

- Asked Commission to approve the modification of the conditions of approval on this project

(+) Tony Sacco

- We are not opposing any kind of development

- Supports this project 100%

(-) Mr. David Hopper

- Supports the Commission's original decision

- Maintain the three affordable units

(-) Paul Melbostad

- Building is out of proportion with the rest of the homes in the area

- This modification will be in violation of the Planning Code

(+) Jaime Rossi, S.F. Housing Coalition

- We need housing as quickly as possible to alleviate the housing crisis in the City

- We endorse this project entirely

- Urged the Commission to approve this modification

(-) Anastasia Yovanopoulos

- The real issue here is affordable housing—supports three affordable units

(+) Alice Barkley

- Project sponsor has two choices:

- 1) He can come and ask for the modification and hope to move the project forward so that he is in line to get completed before the economy turns again, and before the interest rates go up; or
- 2) He can wait for 3 years for the market to turn—the initial sale price might be higher but income might not necessarily increase.

ACTION: Approved

AYES: Theoharis, Fay, Chinchilla, Salinas

NAYES Lim, Baltimore

ABSENT: Joe

MOTION No. 16290

AT APPROXIMATELY 7:16 PM THE PLANNING COMMISSION CONVENED INTO A DISCRETIONARY REVIEW (DR) HEARING TO HEAR AND ACT ON DISCRETIONARY REVIEW MATTERS

19. 2001.0917DD

(SIDER: 558-6697)

725 CAROLINA STREET - east side between 20TH and 22ND Streets, Lot 047 in Assessor's Block 4097 - Request for Discretionary Review of Building Permit Application numbers 2000.12.22.8567 and 2000.12.22.8564 proposing to demolish an existing single-family house and construct a new two-family dwelling an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

NOTE: On October 25, 2001, following public testimony, the Commission closed public hearing on the original project. The project was continued to November 15, 2001 by a vote of +5 -1. Public Comment remains open on any new proposal. Commissioner Chinchilla voted no. Commissioner Fay was absent.

**SPEAKER(S):**

(+) Daniel Conrad, DR Requestor

- Agreed with new changes made on the plans

ACTION: Take Discretionary Review and approve the revised plans

AYES: Theoharis, Fay, Baltimore, Chinchilla, Lim, Salinas

ABSENT: Joe

20. 2001.0787D (MILLER: 558-6344)

2928 LARKIN STREET - east side between Bay and North Point Streets, Lot 018A in Assessor's



Block 0026 - Request for Discretionary Review of Building Permit Application No. 9923712, proposing to construct a new four-story, two-unit residential building with a two-car garage in an RH-3 (House, Three-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve project with modifications  
(Continued from Regular Meeting of November 8, 2001)

SPEAKER(S):

(+) Name unclear

- No knowledge of the new changes on the plans
- Requested Commission to continue this item

(+) Anastasia Yovanopoulos

- All surrounding neighbors should be re-notified

ACTION: Continued to 12/6/01 to allow DR requestor to revise the plans

AYES: Theoharis, Fay, Baltimore, Chinchilla, Lim, Salinas

ABSENT: Joe

21. 2001.0848DDDD (CABREROS: 558-6169)

2115 BROADWAY - south side between Buchanan and Webster Streets, Lot 018 in Assessor's Block 0580 - Request for Discretionary Review of Building Permit Application No. 2001/04/16/6944 to demolish an existing single-family residence and Building Permit Application No. 2001/04/16/6943S to construct a new 40-foot tall, 2-unit building with two parking spaces in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve with modifications.

(Continued from Regular Meeting of November 8, 2001)

SPEAKER(S):

(+) Debbie Carol,

- Affects the open space

- Would add a wall that will block her light and air
- Would have an adverse impact on the neighborhood
- Concerned about the noise during hours of construction

- Proposed building should be reduce in height by one story

(-) Alice Barkley, Representing one of the DR requestors

- Two of the DR requestors, including her client had agreed to the building envelope in addition to the stipulated conditions of approval that went into every aspect of what we had negotiated for the last two months.

- The Project Sponsor has been very cooperative working with the neighbors

- Asked the Commission to take DR and impose the conditions of approval that were just submitted

(-) Hahn Pham, Representing DR requestor

- Joined Alice Barkley's presentation.

- Signed the conditions of approval as stipulated.

- Supports project with the agreed to conditions

(-) Jim Ruben, Representing Project Sponsor

- There was another DR requestor that didn't show up

- Gave a description of where the building would be constructed

- Resolved all issues with the two adjacent requestors, and we agree that a DR should be taken so that the provisions and details in that exhibit can be incorporated in the approval

ACTION: Take Discretionary Review and approve changes as submitted

AYES: Theoharis, Fay, Baltimore, Chinchilla, Lim, Salinas

ABSENT: Joe

22. 2001.0784D (SIDER: 558-6697)

1217 SAN BRUNO AVENUE - east side between 23rd and 24th Streets, Lot 023 in Assessor's Block 4214 - Mandatory Discretionary Review of Building Permit Application Number 2001/04/06/6213 proposing to merge two legal dwellings into one dwelling unit in an RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and disapprove the project.

SPEAKER(S):

(-) Marianne Mitten, Project Sponsor

- Asked Commission to allow her to have the merger of these two units



(-) Judith Berkowitz

- Ms. Mitten's project has improved the property and the neighborhood

(+/-) Anastasia Yovanopoulos

- Suggested that Ms. Mitten take her permit and her issues with those permits and any discrepancies with the issuance of them to the Rent Board and see if she filed and registered according to the law.

(-) Pat Hanford

- Supports project

(-) Diane Netz

- Supports project

ACTION: Approved the merger

AYES: Theoharis, Fay, Baltimore, Chinchilla, Lim

NAYES: Salinas

ABSENT: Joe

23. 2001.0680D (JONES: 558-6477)

3707 – 22ND AVENUE STREET - south side between Noe and Sanchez Streets, Lot 41 in

Assessor's Block 3626 - Request for Discretionary Review of Building Permit Application No. 2001/03/19/4632, proposing to add a new garage, reduce the existing 2nd-story rear deck, and construct a rear extension beneath the reduced deck at the 1st-story in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the building permit as submitted.

SPEAKER(S): None

ACTION: Without hearing, continued to 12/06/01

AYES: Theoharis, Fay, Baltimore, Chinchilla, Lim

ABSENT: Joe, Salinas

24. 2001.0780D (SIROIS: 558-6313)

148 IDORA AVENUE - north side of Idora Avenue, between Garcia Avenue and Laguna Honda

Boulevard, Lot 012, Assessor's Block 2917 - Request for Discretionary Review of Building Permit Application No. 2001/06/01/0524, proposing to construct a one-story vertical addition on an existing single-family dwelling in an RH-1 (D) (Residential, One-Family, Detached House) District and a 40-X height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approved project as proposed.

SPEAKER(S):

(+) Tom McGuire, DR Requestor

- Has so far agreed to reduce the height by 24 inches  
- Architectural design of this house is totally out of character with the neighborhood  
- Will block the air, light and view of about 8 neighbors. Also, they will lose property value  
- Penthouse would represent an unappealing focal point for the neighborhood. Is also disrupting because it will provide an outdoor deck area

(+) Steven Wilkerson

- Not in favor of this project

(+) Jim Lesser

- Does not support the project

(-) William Walters, Architect for the project

- Gave a description of the project

(-) Richard Ramorino

- Supports project

(-) Karen Ramorino

- Supports project

(-) Stan Kauffman

- Supports project

ACTION: Did not take Discretionary Review and approved the project as submitted

AYES: Theoharis, Fay, Baltimore, Chinchilla, Lim, Salinas

ABSENT: Joe

25. 2001.0761D (SIROIS: 558-6313)

60 AGUA WAY - north side of Agua Way, between Chaves Avenue and Terresita Boulevard, Lot Assessor's Block 2959 - Request for Discretionary Review of Building Permit Application No. 2001/05/21/9693,



proposing to construct a two-story horizontal addition, a new deck and stairs at the rear of the existing single-family dwelling in an RH-1(D) (Residential, One-Family, Detached House) District and a 40-X height and Bulk District located in the Miraloma Park neighborhood.

Preliminary Recommendation: Take Discretionary Review and approve project with modifications.

SPEAKER(S):

(+) Jean Elliot, DR Requestor

- Gave a background report on the project

- Proposed project would significantly alter their living space

(-) William Passelum, Architect

- Gave a description of the project

(+) Mark (unclear last name)

- Proposed construction would obstruct and create a dramatic change in the way the openness of the block feels.

ACTION: Took Discretionary Review and approved the project with modifications:

- Reduce the height of the proposed project by one story.

AYES: Theoharis, Fay, Baltimore, Chinchilla, Lim, Salinas

ABSENT: Joe

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Anastasia Yovanopoulos

Re: 4040 24th Street – Conditional Use Application

Abdulah Megahed

Re: Invitation to the Commission to feed the homeless on Thanksgiving

Adjournment: 9:16 p.m.

THE DRAFT MINUTES WERE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, DECEMBER 13, 2001.

SPEAKERS: None

ACTION: Approved with the correction of spelling to varrious names.

AYES: Chinchilla, Joe, Salinas, Theoharis

ABSENT: Baltimore, Fay, Lim

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# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, December 6, 2001

1:30 PM

Regular Meeting

DOCUMENTS DEPT.

JAN 16 2002

SAN FRANCISCO  
PUBLIC LIBRARY

PRESENT: Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis

ABSENT: Fay

THE MEETING WAS CALLED TO ORDER BY PRESIDENT THEOHARIS AT 1:40 p.m.

STAFF IN ATTENDANCE: Gerald G. Green, Director of Planning; Larry Badiner, Zoning Administrator; Joy Navarrete; Paul Maltzer; Joan Kugler; Adam Light; Jeff Tully; Dan Sirois; Jonathan Purvis; Victoria Ryan; Gwen McGee; Dan Sider; Jim Miller; Dario Jones; Rick Crawford; Tom Wang; Nora Priego, Transcription Secretary; Linda Avery, Commission Secretary

### A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2000.0004E (NAVARRETE 558-5975)  
45 MASONIC AVENUE, & 2703-2725 GEARY BOULEVARD - Appeal of Preliminary Mitigated Negative Declaration - On Assessor's Block 1092, on Lots 1, 2, 3, 4, 5, 6, and 36, the existing site is approximately 31,333 square feet in size and contains seven existing buildings containing eight residential units and seven commercial units. The proposal is to demolish the seven existing buildings and construct one four-story plus basement building containing 57 dwelling units, 2,800 gross square feet (gsf) of restaurant use and 20,200 gsf of retail space. The project would also include approximately 42,000 gsf for 195 underground parking spaces to be used for both residential (76 spaces) and commercial (119 spaces), storage and utility uses. The project site is located in a Neighborhood Commercial (NC-3) (lots 1, 2, and 36) and Residential (RH-3) (lots 3-6) zoning districts, within a 40-X height/bulk district. Conditional Use authorization would be required for residential demolition and a Planned Unit Development.

Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration  
(Proposed for Continuance to February 7, 2002)

SPEAKER(S): None

ACTION: Continued to February 7, 2002

AYES: Baltimore, Joe, Lim, Salinas, Theoharis  
ABSENT: Fay, Chinchilla

2. 2001.0062E (CHAN: 558-5982)  
491 BAYSHORE BOULEVARD - Assessor's Block 5598, Lots 8, 9, 11, 13, 15, 16, 18, 21, and 28. **Appeal of Preliminary Mitigated Negative Declaration.** The proposed project would demolish the vacant buildings, totaling 107,372 square feet (sq.ft.) and construct a home improvement store (Home Depot). The main store would be two stories, approximately 129,581 sq.ft. with a 10,088-sq.-ft. enclosed green house. The proposed project also includes an 8,550-sq.-ft. outdoor-garden center. The total project size would be approximately 148,219 sq.ft. The building would be approximately 40 feet in height. A parking garage consisting of three-levels of parking totaling 550 parking spaces would also be constructed on this 5.73-acre site. Vehicular access to the parking garage would be from Bayshore Blvd., where Cortland Ave. dead-ends into Bayshore Blvd. The site is within the Planning Commission's adopted Industrial Protection Zone (IPZ) and is located in a M-1 (Light Industrial) zoning district and within a 65-J height and bulk district.  
Preliminary Recommendation: Pending  
**(Proposed for Continuance to January 24, 2002)**

SPEAKER(S): None  
ACTION: Continued to January 24, 2002  
AYES: Baltimore, Joe, Lim, Salinas, Theoharis  
ABSENT: Fay, Chinchilla

3. 1999.696R (RODGERS: 558-6395)  
968 - 978 UNION STREET - Marion Place is a steep, narrow, dead-end alley between Taylor and Jones in Assessor's Block 99. Union Street provides the only access to Marion Place and Marion Place currently accommodates only pedestrians. General Plan Referral of a proposal to change the ROW so vehicles can use Marion Place to enter a private garage. The project would also involve the installation of a walk, landscaping, and a public seating below the garage.  
Preliminary Recommendation: Find that proposal is not in conformity with the General Plan

#### APPLICATION WITHDRAWN

4. 2001.0490 (FU: 558-6613)  
657 VALENCIA STREET - east side, between Sycamore and 18<sup>th</sup> Streets, Lot 061 in Assessor's Block 3576: Request for Conditional Use Authorization in the Valencia Street Neighborhood Commercial District with a 50-X Height and Bulk designation to allow: (1) use size greater than 3,000 square feet under Planning Code Sections 726.21 and 121.2; (2) a business or professional service on the second floor per Planning Code Section 726.53 and as defined by Section 790.108; (3) a use size greater than 2,000 square feet, and a business or professional service on the ground level in excess of 2,000 square feet per Mission District Interim Zoning Controls.  
Preliminary Recommendation: Approval with conditions  
**(PROPOSED FOR INDEFINITE CONTINUANCE)**

SPEAKER(S): None  
ACTION: Continued Indefinitely  
AYES: Baltimore, Joe, Lim, Salinas, Theoharis  
ABSENT: Fay, Chinchilla

#### B. COMMISSIONERS' QUESTIONS AND MATTERS

5. Consideration of Adoption - draft minutes of October 11, 18, and 25, 2001.

SPEAKER(S): None  
ACTION: Approved as Corrected or Amended  
AYES: Baltimore, Joe, Lim, Salinas, Theoharis  
ABSENT: Fay, Chinchilla

6. Commission Matters

**Commission Secretary** – Announced that documents handed out at the Commission hearing should be returned to the Commission Secretary.

**Commissioner Joe**: She would like to have the Commission Correspondence Folder be a different color than the other folders to help eliminate confusion.

**Commissioner Theoharis**: She would like an informational presentation regarding the 2002 Better Neighborhoods Program specifically related to the Ocean Avenue/Balboa area. The Chancellor from City College has requested that the various community groups be informed when this presentation will be heard at the Commission. Staff should contact City College to obtain the proper information of names and addresses in order to have everyone involved receive this information in a timely manner. She recommends that this presentation be scheduled in February 2002.

**Commissioner Theoharis**: She read an article that's in the Chronicle today about the Stonestown project. Does staff know if Supervisor Ammiano would like to have a hearing scheduled related to the inadequacies of the EIR report?

C. DIRECTOR'S REPORT

7. Director's Announcements

*Regarding Commissioner Theoharis's items:*

1) Stonestown Project - It is premature to be critical on where we are on this project since staff is still in the evaluation period.

Paul Maltzer responded that:

- The initial study has been published.
- Perhaps this is what has caused all the commotion.
- There is still a lot of work to be done on this document.

*Regarding the 2002 Better Neighborhoods Informational Presentation – Ocean Avenue/Balboa Area*

- Informational presentations are done from time to time.
- Staff will follow through on this. There is no specific date for this informational presentation.

Re: Last Week's Hearing on 4040 24<sup>th</sup> Street

- There was a complaint from Anastasia Yovanopolis.
- She expressed concern that Zephyr Real Estate expansion was not in compliance with the Commission's action and the approved plans and permits.
- Mark Sprick, who is on our Enforcement Team, spoke to Ms. Yovanopolis, looked at the plans, did a site visit and spoke to the adjacent tenants.
- It is the Department's impression that this is within compliance of the plans.
- Staff has spoken to Ms. Yovanopolis and her issues have been resolved.

*Regarding New Board of Supervisors Liaison:*

- The Director welcomed Jean-Paul Samaha who will be the liaison to the Board of Supervisors.

8. Review of Past Week's Events at the Board of Supervisors and Board of Appeals  
**BOS**

*RE: 1101 O'Farrell Street*

- This case was approved by the Commission for an amendment to allow a greater height and an amendment to the zoning map for bulk limitation as well as granting a conditional use application.
- This matter was brought to the Board of Supervisors as an appeal several weeks ago—they continued the matter. The Project Sponsor worked with Supervisors McGoldrick and Peskin and developed some significant amendments. This was brought back for consideration to the Board of Supervisors.
- The Board overturned the Commission's decision by a vote of +9 -2, then amendments were added and the Board approved the project.
- These amendments involve the number of units and other items that the Project Sponsor is to provide to adjoining property owners. The height of the building, the design and the amendment to the Planning Code were left intact as the Commission approved them.

**BOA of November 28, 2001 and December 5, 2001***November 28, 2001**Re: 2158-2160 Filbert Street—a project that was heard on June 14, 2001.*

- This case consisted of two small, one-bedroom units that were already occupied by the tenant who wanted to expand her family.
- The Board decided that the market conditions had changed dramatically and that there were a number of vacancies on the market.
- The Board was concerned that these units were quite small and this family needed space.
- Also, this project would create family housing. These were the main reasons the Board overruled the Commission's decision.

*Re: 2935 Pacific Avenue*

- The Commission took Discretionary Review on June 21, 2001.

- This project went through various changes after the Commission heard this case.

- What the Commission heard was a 3 to 2 dwelling unit merger with the second unit being a very tiny unit.

- What the Board saw was a much more equal division of the units.

- The Board felt that the preservation of a very expensive unit was not necessary and because the project had been modified so significantly since the Commission last saw it - the Board approved this merger

*December 5, 2001**Re: 740 Vermont Avenue*

- The Board denied the request for a rehearing.

*Re: 2836 Washington Street*

- The Commission heard this case a number of times.

- The second time the Commission denied the request to put decks at the rear yard.

- The Board upheld the Commission's decision with minor changes to the conditions of approval and will be coming back to the Board for final NSR.

*Re: 1750 Folsom Street*

- This was a Discretionary Review case heard on June 4, 2001.

- The Commission took Discretionary Review and denied the permit.

- The Board overturned the Commission's decision because the Project Sponsor argued that the project had been modified to include wine warehousing for the entire 4 restaurants that Lulu's operates. The second point made was that the existing building was in bad shape. The Board decided that the building was not suitable for PDR.

- The Project Sponsor agreed to have Arriba Juntos and Mission Language and Vocational Training as outreach to the community.

9. Informational Presentation and Discussion on Unsound Building Reports.

SPEAKER(S):

**Daniela Kirshenbaum – Coalition of San Francisco Neighborhoods**

- She is representing the Coalition of San Francisco Neighborhoods.
- She would like to applaud any and all efforts to examine this problem.

**Joe O'Donaghue – Residential Builders**

- He would like to correct some information.
- The demolition ordinance was put there in error.

- The issue of sound affordable housing has nothing to do with the demolition ordinance.
- The history and the facts need to be straightened out in order to make good decisions.

**David Silverman – Reuben and Alter**

- The purpose of this policy is to preserve affordable housing.
- This policy has not been applied across the board.
- He urges the Commission that when the new policy is decided upon, to separate TAPE
- Inquired if there was a way to deal with the cases that are in the pipeline first since they are being held up while this policy is being considered?

ACTION: Informational only. No Action Required at this time.

10. 84.448D

(BADINER)

Review and confirmation of a Condition of Approval for 1660 Mission Street that required a van-shuttle service and re-authorization of budget allocation for the provision of a van-shuttle service.

ACTION: The Director continued this item to December 13, 2001.

**D. REGULAR CALENDAR**

11. 1999.455E

(NAVARRETE: 558-5975)

NEW DeYOUNG MUSEUM - Certification of Environmental Impact Report. Assessor's Block 1700, Lot 1, bounded to the north and east by John F. Kennedy Drive, to the south by Tea Garden Drive and to the west by the Hagiwara Japanese Tea Garden. The proposed project would demolish and reconstruct the M.H. DeYoung Museum on the site of the existing DeYoung Museum in Golden Gate Park. The project would include demolition of eight existing buildings, totaling approximately 230,000 square feet, which compose the DeYoung Museum and the Asian Art Museum. (The Asian Art Museum will move to the Civic Center.) The new building would include two main levels above grade, one level below grade with a varying roof height ranging from 33 to 48 feet, and a 144-foot tower at the northeast corner of the project site. The building would increase current DeYoung Museum gallery and exhibition space at the site from the existing 37,000 sf to total about 75,000 sf. The project would remove the 85 existing paved parking spaces for museum staff, currently on the eastern side of the museum, and would not provide replacement parking. The project site is within the P (Public Use) zoning district and within an OS (Open Space) Height and Bulk District.

Note: The public hearing on the Draft EIR is closed. However, the previously certified Final EIR for this project was remanded back to the Planning Commission by the Board of Supervisors, on appeal. While the Planning Commission does not receive public comment on Final EIRs as part of a formal comments and responses process, public comment on the certification of the Revised Final EIR may be presented to the Commission.

Preliminary Recommendation: Certify Final Environmental Impact Report.

SPEAKER(S):

**(+) Elizabeth Goldstein – General Manager of the Recreation and Park Department**

- She indicated that she was available to answer any questions the Commission might have.

**(-) Joe Fusco – People for a New DeYoung**

- It was through their efforts that the Board of Supervisors remanded the EIR back to the Planning Department/Commission to correct erro's.
- The revised EIR does not correct these errors.
- The Planning Department did nothing that the Board of Supervisors requested, so he requested that the Planning Commission remand this project back to the Planning Department to have done what the Supervisors asked to have done.
- He would like to also request that Public Comment be opened again, and that the Environmental Impact Report be consolidated into one document.

**(+) Ron Miguel - PAR**

- Mr. Fusco and he disagree on every point.
- He does not believe that the EIR comment period should be extended.
- There is also no need to combine documents.
- The Planning Department's comments and the comments from the Board of Supervisors have been well addressed.
- He hopes that the Commission approves this so that the project can begin.

**(+) Randy Scott – Museum Trustee**

- The Board has been very diligent as well as staff.
- He hopes that the Commission will adopt the final report so that there will not be any more delays.

**(+) Bill Leddy - Architect**

- He supports this project that will become a landmark for San Francisco.
- The work has been very diligent and thorough.

**(+) Jim Chappell – SPUR**

- This project has made a great building become even better and will have a very exciting tower.
- The new building will be park-friendly and child-friendly as well as be welcoming and opening.
- There are no negative environmental impacts, only positive (ones).
- He hopes that the Commission will certify the document.

**(-) Mary Anne Miller – San Francisco Tomorrow**

- The revised document still does not deal with issues previously presented.

**(-) Pinky Cushner - SPEAK**

- She agrees with Ms. Miller's comments.
- She would like to have the EIR done correctly since it still contains errors in various aspects of the project.
- If this is not done, the project will continue to be delayed.
- If the Commission had listened to them the first time, this process would have been faster.

**(+) Toby Levine**

- She has reviewed the amended version of the original EIR.
- She believes that for this project, the new revised EIR takes adequately into account the issues brought up by the Board of Supervisors and Page and Turnbull.
- The thing that bothers her is the endless effort to derail an extremely important project.

**(-) Chris Duderstadt**

- He has tried to understand what the new tower will look like.
- He has been through the revised EIR and has found various contradictions.
- The light studies are not exactly right.
- The children's playground, on certain hours of the day, will go completely dark.

**(-) Philip D. Carlton – Alliance for Golden Gate Park**

- He is happy that the tower has been lowered since he was the first person to oppose this tower.
- The museum has no need for an observation tower.

- He hopes that the Commission will disapprove this EIR since they will be appealing the decision to the BOS.

ACTION: Certified the Final Environmental Impact Report  
AYES: Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis  
ABSENT: Fay  
MOTION: 16291

12. 2000.0790E (KUGLER: 558-5983)

**888 HOWARD STREET - Certification of a Final Environmental Impact Report (EIR).** The project, which has been revised, is the proposed construction of a 33-story, 340-foot tall hotel building of approximately 487,900 square feet with one level of below-grade parking on the northeast corner of Fifth and Howard Streets (Assessor's Block 3724, Lot 66). The revisions to the original project and associated environmental effects are set out in the Summary of Comments and Responses – Section B. The 37,860 sq.ft. site contains an existing surface parking lot with landscaping which is used by the adjacent Wells Fargo Data Center. The revised project would contain about 600 hotel rooms along with ancillary support uses such as meeting rooms, restaurants, and retail space (the originally proposed 60 to 70 residential condominiums have been eliminated). The hotel entryway would be on Howard St. There are three loading docks planned with entrances from Fifth Street. The site is located in the South of Market area within the C-3-S (Downtown Commercial Support) District and the 160-F Height and Bulk District.

Preliminary Recommendation: Certify Environmental Impact Report.

**NOTE:** The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR closed on September 18, 2001. The Planning Commission does not conduct public review of Final EIRs, however, public comment on the certification may be presented to the Commission.

SPEAKER(S) *Regarding Continuance:*

**Stephanie Rosenfeld – Hotel Employees Union Local 2**

- She supports the request for continuance.

ACTION: Without hearing, continued to January 10, 2002  
AYES: Baltimore, Joe, Lim, Salinas, Theoharis  
ABSENT: Chinchilla, Fay

13. 2001.0690L (LIGHT: 558-6254)

**88 5<sup>TH</sup> STREET (OLD SAN FRANCISCO U.S. MINT)** - west side between Mission and Jessie Streets, Assessor's Block 3704, Lot 11 - Consideration of landmark designation and adoption of a resolution recommending landmark designation of the Old San Francisco U.S. Mint as Landmark No. 236. The subject property is zoned P (Public), and is in a 40-X Height and Bulk District.

Preliminary Recommendation: Adopt a resolution approving Landmark designation and recommending that the Board of Supervisors approve the landmark designation.

SPEAKER(S):

**(+) Michael Levin**

- He worked at the old mint.  
- It is unfortunate that it has been vacant since 1994.  
- He is very supportive that this building be landmarked.  
- This building is a State Historic Landmark and it should definitely be a City landmark.  
- It is also unfortunate that this City does not have a comprehensive history museum.

ACTION: Resolution Adopted to Recommend Landmark Designation  
AYES: Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis  
ABSENT: Fay  
MOTION: 16292

14. 2001.0073L (TULLY: 558-6372)

**MUNICIPAL RAILWAY CAR NUMBER 1** - proposed landmark site is contiguous with the footprint of the Municipal Railway Car Number 1 and does not include the rails or any location or site on which this streetcar sits or travels. Consideration of landmark designation and adoption of a resolution recommending landmark designation of the Municipal Railway Car Number 1 as Landmark No. 230.

Preliminary Recommendation: Adopt a resolution approving landmark designation and recommending that the Board of Supervisors approve the landmark designation.

SPEAKER(S):

(+) Michael Levin

- This is a wonderful idea.

- This is very much historic just as the cable cars.

- He supports landmarking this.

- All of the historic streetcars are worthy of landmarking.

ACTION: Resolution Adopted to Recommend Landmark Designation

AYES: Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis

ABSENT: Fay

MOTION: 16293

15a. 2001.0613CP (SIROIS: 558-6313)

2700 – 45<sup>TH</sup> AVENUE - east side of 45<sup>th</sup> Avenue, between Wawona Street and Sloat Boulevard, Lot 026, Assessor's Block 2513 - Request for Conditional Use Authorization by Metro PCS to install a wireless telecommunications facility at the United Irish Cultural Center pursuant to Planning Code Section 711.83, which includes the installation of four panel antennas, one GPS antenna and associated equipment cabinets in an NC-2 (Moderate-Scale Neighborhood Commercial) District and a 100-A Height and Bulk District. The subject site is a preference 1 location (public facility) according to the *Wireless Telecommunications Services (WTS) Siting Guidelines, 1996*.

Preliminary Recommendation: Approval with conditions

(Continued from Regular Meeting of November 1, 2001)

SPEAKER(S):

(+) Daniel Frattin – GCS Strategies representing Debra Stein

- He thanked staff for all the good work on this case.

- This is a publicly used building therefore it is a preference 1.

- Metro PCS has worked with staff to come up with a non-intrusive design.

- Metro did consider two other sites in the area but those sites did not meet all the criteria required.

(+) Bill Leinert – Representing Metro PCS – Tetra Tech

- Metro PCS is a new service provider that will provide a flat rate for service.

- These antennas will provide expanded service to this area.

- There will be diminished aesthetical impact since the antennas will be installed in faux vent pipes.

(+) Doina Frentesco – Representing Metro PCS.

- Metro PCS participated in a community outreach by providing two meeting and sending out information in Spanish and Chinese.

- There was a translator available at these meetings.

- There were only two attendees at the first meeting and one attendee at the second meeting for a total of three.

- Their team makes every effort to find other locations to install these antennas. These other locations did not meet the technical requirements for these antennas.

(+) Bob Weller – Registered and Professional Engineer – Hammett & Edison

- There are safety standards for antennas.

- The standard in the US is identical to the one used in (other) Western nations.

- Unless you are physically next to the antennas, there will be little radiation exposure.

(+) Tim Colen – President of the Edgewood Way Neighborhood Association

- He supports this project since it will provide better cellular service to the neighborhood.
- As a geologist, he is aware that at some point there will be a devastating earthquake and cellular phones could play a critical role.

**(+) Elizabeth Maynard**

- She does not believe that Metro PCS is affordable.
- It is important that low-income people be able to afford cell phones.
- She feels confident when she carries a cell phone since it is essential anywhere in the City.
- She is in support of this project.

**(+) Joe O'Donaghue – Residential Builders**

- He supports this project.

**(-) Diana Scott - SPEAK**

- She lives 2 ½ blocks from the Irish Cultural Center.
- She is concerned with the waves, which are transmitted from these antennas to the cell phones.
- The Commission does not have to approve all proposals for antennas.
- She submitted a letter from someone who is opposed to this project but could not attend the hearing.

ACTION: Approved

AYES: Baltimore, Chinchilla, Joe, Lim, Theoharis

ABSENT: Fay

MOTION: 16294

- 15b. 2001.0613CP (SIROIS: 558-6313)  
2700 – 45<sup>TH</sup> AVENUE - east side of 45<sup>th</sup> Avenue, between Wawona Street and Sloat Boulevard, Lot 026, Assessor's Block 2513 - Request for a Coastal Zone Permit by Metro PCS to install a wireless telecommunication facility at the Irish Cultural Center pursuant to Planning Code Section 330. The subject site is located within the Coastal Zone Area of San Francisco's Western Shoreline, in an NC-2 (Moderate-Scale Neighborhood Commercial) District and a 100-A Height and Bulk District.  
Preliminary Recommendation: Approval

SPEAKER(S): Same as those listed in item 15a.

ACTION: Approved

AYES: Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis

ABSENT: Fay

MOTION: 16295

- 16a. 2001.0137CV (PURVIS: 558-6354)  
3294 MISSION STREET - west side between Valencia and 29<sup>th</sup> Streets, including 2-50 29<sup>th</sup> Street; Lot 12 in Assessor's Block 6596, a through lot to Tiffany Street - Request for Conditional Use Authorization under Planning Code Section 121.1 for the development of a lot greater than 10,000 square feet. The project would involve the demolition of three 2-story and two 1-story buildings, and the construction of a 4-story mixed-use building with 33 residential units above ground floor commercial space and two sub-grade parking levels. Up to 16,000 square feet of commercial space and 80 off-street parking spaces would be provided. The project would require a rear yard modification. The site is within an NC-3 (Moderate-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Approval with Conditions.

SPEAKER(S):

**(+) David Silverman – Reuben and Alter – Representing Project Sponsor**

- The project takes advantage of a large underutilized lot.
- The project sponsor has met with interested neighbors and neighborhood groups and everyone supports this project.

- He will continue to work with the Department regarding the concerns of Commissioner Chinchilla regarding the materials used on this project.

(+) Don Huntley – Northwest Bernal Alliance Organization

- His concerns related to this project are the following: 1) How the developer will lease or sell commercial spaces; 2) that the developer adhere to the moratoriums already assigned to this neighborhood; 3) that there be a good neighbor policy to provide safety and cleanliness on the street for residents; 4) that commercial delivery traffic be limited to the hours of 8 am to 8 pm. 4) That the existing postal service office in the area be preserved; and 5) that there be regulated hours that assure the neighborhood that this heavy traffic area will not be impeded by the construction.

(+) Terry Milne

- Adjacent buildings on this street have a whole lot of glass.
  - He hopes that this design refinement enlarges the window area on this individual space.
  - It is definitely a long block
  - The apartment entrances on the back part of this project seem like the back doors.
  - He is unanimously in support of this project.

(+) Katie Gough – North West Bernal Heights Design Review Board

- She has been involved in three meetings with architects and the project manager.
  - A verbal agreement made in a nighttime meeting in an office is not going to carry any weight. That is why anything that is agreed upon is written down and made part of the public record.
  - She has spoken to the Post Office and the only way that they will be able to save it is to have the entire community protest.

(±) Joe O'Donaghue

- He agrees that this is a very good project

(-) Lyn Boltry

- She owns and operates a physical therapy clinic.
  - She is concerned with the amount of traffic that will increase because of this project.
  - She is concerned about the gentrification of the Mission and if people will be able to afford these condominiums.
  - Her other concerns are that she hopes that the tenants who are currently there will be able to afford the rents for the business spaces if they come back.

(-) Jack Shella

- He lives across the street from this building.

- He would like to have the Mission District stay the way it is and keep the small stores and the post office, etc.

**ACTION:** Approved as amended: 1) require the project sponsor to continue to work with staff to improve design such as improvement to the ground floor; create a greater commercial presence; address material issues; place more openings on the ground floor; landscaping, etc. 2) If developer is not able to meet the established timeline, they are required to explain as much as possible what it is they have and have not been doing to bring about this project.

AYES: Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis

**ABSENT:** Fav

MOTION: 16296

- 16b. 2001.0137CV (PURVIS: 558-6354)  
3294 MISSION STREET - west side between Valencia and 29<sup>th</sup> Streets, including 2-50  
29<sup>th</sup> Street; Lot 12 in Assessor's Block 6596, a through lot to Tiffany Street - Request for  
a rear yard modification for the above mixed-use project. Planning Code Section  
134(a)(1) requires a rear yard of 25 percent of the depth of a lot to be provided at the  
lowest story containing a dwelling unit, and at each succeeding story of a building. The  
proposed project would provide a rear yard of comparable size but within a courtyard.  
Section 134(e) allows for modification of the rear yard standard in certain districts subject

to a hearing by the Zoning Administrator. The site is within an NC-3 (Moderate-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District. Preliminary Recommendation: Approval with Conditions.

SPEAKER(S): Same as those listed in item 16a.

ACTION: Director Green acting as the Zoning Administrator closed the public hearing and granted the rear yard modification.

- 17a. 2001.0915CV (RYAN: 558-6812)  
2836 FRANKLIN STREET - east side between Lombard and Greenwich Streets; Assessor's Block 503, Lot 14 - Request for a Conditional Use authorization pursuant to Planning Code Section 161 (j), to allow a reduction in the off-street parking requirements for dwelling units. The proposal is to add a new dwelling unit to the rear of the existing building, which currently contains a retail space on the ground floor with a dwelling unit above. Planning Code Section 151 requires that an independently accessible off-street parking space be provided for the new dwelling unit; none is proposed to be provided. The project site is within an NC-3 (Moderate-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District. The Zoning Administrator will conduct a joint hearing on a request for a variance from Planning Code Section 136@(2)(A). Preliminary Recommendation: Approval with conditions.

SPEAKER(S):

(+) Stephen Antenaris – Project Architect

- He submitted a petition of about 80 signatures from people who support the reduction of the parking lot.

- He hopes that the Commission will approve this project.

ACTION: Approved

AYES: Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis

ABSENT: Fay

MOTION: 16297

- 17b. 2001.0915CV (RYAN: 558-6812)  
2836 FRANKLIN STREET - east side between Lombard and Greenwich Streets; Assessor's Block 503, Lot 14 - Request for a variance from Planning Code Section 136@(2)(A). Planning Code Section 134(a)(1) requires a rear yard of 25 percent of the lot depth to be provided at the lowest story containing a dwelling unit and at each succeeding story. Section 136(c)(2)(A) allows a bay window as a permitted obstruction into this required rear yard, with a minimum headroom of 7 ½ feet. The proposal is to add a three-story addition to the rear of the existing building. The proposed addition will include a bay window, which encroaches into the required rear yard without providing the required minimum headroom. The property is within an NC-3 (Moderate-Scale Neighborhood Commercial) District and a 40 X Height and Bulk District.

SPEAKER(S): Same as those listed in item 17a.

ACTION: Variance continued to December 12, 2001

- 18a. 2001.0972CD (McGEE: 558-6367)  
522 SHOTWELL - west side, between 19<sup>th</sup> and 20<sup>th</sup> Streets; Lot 32 in Assessor's Block 3594 - Request for Conditional Use Authorization to legalize an existing illegal dwelling unit. Additional market-rate dwelling units require approval by the Planning Commission, per the Mission District Interim Controls. The property is located in an RM-1 Zoning District and in a 50-X Height and Bulk District.  
Preliminary Recommendation: Approval

SPEAKER(S):

(+) (did not state name) – Property Owner

- He is available for questions from Commissioners.

ACTION: Approved

AYES: Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis

ABSENT: 16297

- 18b. 2001.0972CD (McGEE: 558-6367)  
522 SHOTWELL - west side, between 19<sup>th</sup> and 20<sup>th</sup> Streets; Lot 32 in Assessor's Block 3594 - Mandatory Discretionary Review for a change of use per the Mission District Interim Controls. The proposal is to legalize an illegal dwelling unit . The property is located in an RM-1 Zoning District and in a 50-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

SPEAKER(S): Same as those listed in item 18a.

ACTION: Did not take Discretionary Review and approved the project as proposed.

AYES: Baltimore, Chinchilla, Joe, Lim, Salinas, Theoharis

ABSENT: Fay

## E. DISCRETIONARY REVIEW HEARING

At Approximately **6:00 PM** the Planning Commission convened into a Discretionary Review (DR) Hearing.

19. 2001.0845D (SIDER: 558-6697)  
2551 - 2557 MISSION STREET - east side between 21<sup>st</sup> and 22<sup>nd</sup> Streets, Lot 023 in Assessor's Block 3615 - Mandatory Discretionary Review of Building Permit Application Number 2001/06/13/1442 proposing to (1) change the use of the existing vacant movie theatre (Planning Code Sections 712.46 and 790.64) to a health club and indoor rock climbing facility (a 'personal service' pursuant to Sections 712.52 and 790.116), (2) perform interior renovations commensurate with the proposed use, and (3) perform exterior modifications including façade improvements, rooftop mechanical expansions, and an exterior 'fill-in' on the ground level street frontage. Discretionary Review is required by Board of Supervisors Resolution Number 518-01 (Mission District Interim Controls) for any permit proposing to change the use of a property within the Mission District. The subject property is located in an NC-3 (Moderate Scale Neighborhood Commercial) Zoning District and a 65-B Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and approve the project as proposed, with conditions.

(Continued from Regular Meeting of November 1, 2001)

**NOTE:** On November 8, 2001, following public testimony, the Commission closed public hearing. The Commission continued the matter to 12/6/01 for the sponsor to work with community groups and staff to provide recommended good neighbor conditions of approval by a vote of +6 -0. Commissioner Theoharis was absent.

SPEAKER(S):

(-) Ada Chan – Mission Anti-Displacement Coalition

- She requested that the Commission consider the impact this gym will have on the community.
- This gym will have 2, 500 members who are not of the community.
- She does not support this project.

(-) Richard Marquez

- There is definitely opposition to this gym.
- There are also various gyms and fitness centers that provide assistance or low fee memberships.
- He does not support this project.

**(-) Valerie Tulliea**

- She is very offended and insulted that the proposed business will not benefit everyone in the community.
- She does not support this project.

**(-) Rosa Velez-**

- She is disappointed that the Department did not do further research on how this project would impact the community.
- She does not support this project.

ACTION: Project Disapproved

AYES: Baltimore, Joe, Lim, Salinas

NAYES: Chinchilla, Theoharis

ABSENT: Fay

20. 2001.0787D (MILLER: 558-6344)

2928 LARKIN STREET - east side between Bay and North Point Streets, Lot 018A in Assessor's Block 0026 - Request for Discretionary Review of Building Permit Application No. 9923712, proposing to construct a new four-story, two-unit residential building with a two-car garage in an RH-3 (House, Three-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve project with modifications

(Continued from Regular Meeting of November 15, 2001)

## SPEAKER(S):

**(-) Roland Sabado – DR Requestor**

- He lives on Larkin Street.
- He has spoken to several of his neighbors who agree with him and are against this project
- The issues are that the project will be taller than the buildings on the block, there will be shadow impacts, and it will not meet the characteristics of the neighborhood.

**(-) Melina Moberg**

- She does not support this project since her concern is that access to light and air will be diminished by the proposed project.
- She is also concerned that the project sponsor will not be living there.

**(+) Ignatius Sang – Project Architect**

- The proposed building will be smaller than the next-door neighbor's building.
- He displayed a diagram showing how the proposed building will not cause a shadow on the neighbor's home.
- There will be some changes made to a bay window requested by the DR requestor.
- He hopes the Commission will approve the project.

**(+) Edward Wong – Project Sponsor**

- One of the questions from the DR requestor is what will be the use of this building.
- This building will be ready for rental. He has suffered a loss by keeping it vacant so he wants to get it ready for rental in order to keep undesirables away from the property.

**(+) John Lie**

- He participated in the design of this structure.
- The DR requestor stated that the building would be larger than his but only by 2 inches.

ACTION: Took Discretionary Review and approve as modified on revised plans by matching the lightwells.

AYES: Baltimore, Chinchilla, Lim, Theoharis, Salinas

EXCUSED: Joe

ABSENT: Fay

21. 2001.0680D

(JONES: 558-6477)

3707 - 22<sup>ND</sup> STREET - south side between Noe and Sanchez Streets, Lot 41 in Assessor's Block 3626 - Request for Discretionary Review of Building Permit Application No. 2001/03/19/4632, proposing to add a new garage, reduce the existing 2<sup>nd</sup>-story rear deck, and construct a rear extension beneath the reduced deck at the 1<sup>st</sup>-story in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the building permit as submitted.

(Continued from Regular Meeting of November 15, 2001)

SPEAKER(S):

(-) David Marshall

- He lives on 22<sup>nd</sup> Street, across the street from the proposed project.
- This project will not maintain the architectural integrity of the neighborhood.
- It will also violate residential design guidelines from the Planning Department.
- He is not against the construction but would like to maintain the architectural integrity and the character of the neighborhood.

(-) Walter Krain

- He has lived in his home for 26 years which is located next door to the proposed construction.
- He does not support this project since it will alter the architectural uniqueness of the three houses in question.

(-) Susan Saperstein

- She lives on 22<sup>nd</sup> Street.
- She is against this project since it will block sunlight on a small deck she has in the back and because it will destroy the character of the neighborhood.

(-) Anne Beckelheiden

- She does not support this project since the proposed construction will block light to her unit and her garden as well as compromise her foundation.

(-) Edward Davidson

- He has lived on 22<sup>nd</sup> Street with his wife for 21 years.
- He does not support this project since these houses have unique peaked roofs. If the project is approved it would destroy that uniqueness. Also, the houses have a similarity in height that would be lost. This would have a negative effect on property values. Adding a second garage would cause the neighborhood to lose a street parking spot to a house.

(-) Dan Sullivan

- He lives on Liberty Street and feels that this proposal is very disrespectful to the neighborhood.
- He has the economic capacity to raise his house and add a garage but this would change the character of the neighborhood

(-) Jonathan Pearlman - Project Architect

- He would like to address the issues of the DR requestors: This house is almost 100 years old. The proposal to raise the house will not destroy the character of the neighborhood since there are other homes on that street that have flat roofs.
- The homes are not consistent in design.
- These houses are not designated as historically significant.
- The ornamentation of the façade will be kept and he has been careful to keep the character of the house.
- There are many houses that have garages that at some point did not have them.

ACTION: Motion to not take Discretionary Review and approve the building permit as submitted.

AYES: Chinchilla, Joe, Lim

NAYES: Theoharis, Baltimore, Salinas

RESULT: The motion failed to carry.

ACTION: Continued to December 20, 2001 in order to have Commissioner Fay review tapes and all other hearing material. Public Comment is closed.

AYES: Baltimore, Chinchilla, Joe, Lim, Theocharis, Salinas  
ABSENT: Fay

22. 2001.0688D (SIDER: 558-6697)  
77 BLUXOME STREET - south side between Fourth and Fifth Streets, Lot 19 in Assessor's Block 3786 - Mandatory Discretionary Review of Building Permit Application Number 2001.02.12.1820, proposing to (1) convert the ground level of an existing two story light industrial building to a parking use, (2) convert the second level to an office use, (3) construct two new stories of office space, and (4) perform façade and other alterations. Discretionary Review is required by Planning Commission Motion Number 16202 for projects, which propose office uses within the IPZ (Industrial Protection Zone). The property is within an SSO (Service/Secondary Office) Zoning District, the IPZ, and a 50-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and disapprove the project.

SPEAKER(S):

(+) Dan Sullivan – Representing Project Sponsor

- The project sponsor did an analysis on what was approved on the permit and determined that in today's market place it would not be very appealing to tenants.
- The project sponsor recently purchased the building and wanted to do a better job.
- The project sponsor wanted to create 22 off-street parking spaces and add a minor amount of office space to help amortize this investment.
- This project has merit. It is not a situation of taking a vacant lot and making it office. The 7,000 square feet is necessary in order to achieve a reasonable development program and a return on investment.

ACTION: Did not take Discretionary Review and approved the project.

AYES: Joe, Lim, Salinas, Theocharis

NAYES: Baltimore, Chinchilla

ABSENT: Fay

23. 2001.0957D (CRAWFORD: 558-6358)  
14, 20, 26, 32, 38, 46, 50 & 62 ARCO WAY - northwest side north of Havelock. Assessor's Block 3154 Lots 32,39,38,37,28,27,26, & 24 - Request for Discretionary Review of Building Permit Applications 2000/07/19/5580, 2000/07/19/5577, 2000/07/19/5569, 2000/07/19/5563S, 2000/07/19/5571S, 2000/07/19/5581, 2000/07/19/5584, and 2000/07/19/5573 for construction of 8 new single family dwellings two and three stories tall in an RH-1, Residential House, One Family, district and a 40-X Height and Bulk district.

Preliminary Recommendation: Do not take Discretionary Review and approve the permits.

SPEAKER(S):

(-) David Newton

- He hopes that the Commission will approve 6 houses which is what the neighbors have always wanted -- one-story over garage as jointly developed and designed by the neighbors with the developer.

(-) Frank Masterson

- He lives on Arco Way.
- He is not opposed to the houses being built on this street.
- The two houses at the end that are one-story over garage with two parking spaces inside and one on the street would be fine if it would be continued right through. But instead the developer wants three stories, less than 20 feet wide and one parking space inside and none on the street is not only out of character but will also cause a lot of problems.

(-) Ana Artiga

- She supports the houses being built yet she is not in agreement with the homes being three stories.

**(-) Mary Pascua**

- She read a letter from her aunt who could not attend the hearing and who is not in support of 8 houses being built or the three levels.

**(+) David Silverman - Reuben and Alter**

- Since this project was before the Commission, the project sponsor has made several changes to the original proposal.
- The project sponsor has met several times with New Mission Terrace Improvement Association.
- He received a letter from Supervisor Sandoval addressed to President Theoharis, which supports the project and describes his success in achieving a settlement between the neighbors and the sponsor.
- This Discretionary Review should be denied and the project approved.

**(+) Brian Macovoy - One of the Project Sponsors**

- He has been working with the NMTI for 14 months--15 meetings, 7 Wednesdays in a row. Through the Supervisor's office we came to an agreement, signed the agreement, and went to the Land Use Committee.
- Mr. Newton applied for a DR and he said that they were not notified.
- He has been working very hard to have this project approved.

**(+) Anthony G. Sacco - President of the New Mission Terrace Improvement Association**

- He has been a member of this association for two decades.
- This project has been around for a while and it is time "to be put to bed."
- Originally the proposal was for 10 homes. There was tremendous opposition to this and after various meetings everyone agreed to the proposal before the Commission today.
- It has been a lot of work to get to where they are currently.
- The neighborhood had the opportunity to come to their meetings and bring up their issues.

- He supports staff recommendation.

**(+) David Hoover**

- The meetings were contentious.
- Initially he found the proposal inaccessible and what they have reached is an acceptable compromise.

- He would like to encourage the Commission and staff to work more closely with neighborhood associations in order to reach these conclusions in the future.

ACTION: Motion to not take DR and approve project with modifications that require ground floor accessibility (i.e. widen doorways, remove or alter stairs that lead to the doorways, etc.).

AYES: Baltimore, Salinas, Lim

NAYES: Chinchilla, Joe Theoharis

RESULT: The motion failed to carry.

ACTION: Continued to December 20, 2001 in order for Commissioner Fay to review hearing tapes and all other material. Public Hearing Closed.

AYES: Joe, Lim, Theoharis, Salinas

NAYES: Baltimore, Chinchilla

ABSENT: Fay

24. 2001.0829D (WANG: 558-6335)  
657 CORBETT AVENUE, northeast corner of Corbett Avenue and Glendale Street; Lot 047 in Assessor's Block 2717 - - Request of Discretionary Review of Building Permit Application No. 2001/04/30/8032 and Demolition Permit Application No. 2001/04/30/8029 to construct a new four-story over garage, four-family dwelling after demolition of an existing single-family dwelling in an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

ACTION: Prior to hearing, the Discretionary Review request was withdrawn

**F. PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

None

Adjournment: 9:04 p.m.

**THE DRAFT MINUTES WERE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, JANUARY 10, 2002**

**SPEAKERS:** None

**ACTION:** Approved

**AYES:** Baltimore, Fay, Joe, Lim, Theoharis

**ABSENT:** Chinchilla, Salinas



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# SAN FRANCISCO PLANNING COMMISSION & RECREATION AND PARK COMMISSION

## Minutes of Meeting of Special Joint Meeting

Board of Supervisors Chambers - Room 250  
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, December 7, 2000

**12:00 PM**

DOCUMENTS DEPT.

JAN 11 2001

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THE MEETING WAS CALLED TO ORDER BY PRESIDENT THEOHARIS AT 12:15 PM

STAFF IN ATTENDANCE: Gerald G. Green – Director of Planning, Larry Badiner – Zoning Administrator, Craig Nikitas, Mary Woods, Joy Navarrete, Hillary Gitelman, Patricia Gerber – Executive Secretary-Transcriber, Andrea Green – Acting Commission Secretary

ROLL CALL:

PLANNING COMMISSION:

PRESENT: Theoharis, Mills, Baltimore, Chinchilla, Fay, Joe, Salinas, Sr.

RECREATION & PARK COMMISSION:

PRESENT: Chin, Murray, Bonilla, Martin

### A. SPECIAL CALENDAR

1. 1999.455E (NAVARRETTE: 558-5975)  
New deYoung Museum Project, Certification of Environmental Impact Report. The proposed project would demolish and reconstruct the M.H. de Young Museum on the site of the existing de Young Museum in Golden Gate Park. The project would include demolition of eight existing buildings, totaling approximately 230,000 square feet, which compose the de Young Museum and the Asian Art Museum. (The Asian Art Museum will move to the Civic Center.) The new building would include two main levels above grade, one level below grade with a varying roof height ranging from 33 to 48 feet, and a 160-foot tower at the northeast



corner of the project site. The building would increase current de Young Museum gallery and exhibition space at the site from the existing 37,000 sf to total about 75,000 sf. The project would remove the 85 existing paved parking spaces for museum staff, currently on the eastern side of the museum, and would not provide replacement parking. The project site is within the P (Public Use) zoning district and within an OS (Open Space) Height and Bulk District; Assessor's Block 1700, Lot 1, bounded to the north and east by John F. Kennedy Drive, to the south by Tea Garden Drive and to the west by the Hagiwara Japanese Tea Garden. (Action by Planning Commission)

Preliminary Recommendation: Certify Final Environmental Impact Report

(Continued from Regular Meeting of November 9, 2000)

**SPEAKERS:**

**(+) Pinky Kruschner**

- Delay EIR certification
- Page 14 of comments and responses is incomplete
- No citation was given
- Japanese Tea Garden is one of the oldest
- We should get a new museum

**(-) Mary Ann Miller**

- SPEAK objects to the new museum
- Transportation and traffic is a big concern during construction of the new museum

**(+) Jim Chappell**

- EIR is adequate and should be certified

**(+) Dan Chetter**

- In favor of the design of the museum
- Certify the EIR

**(+) John Lumas**

- This project would add to the beauty of the City of San Francisco

**(-) Roger Brandon**

- EIR is inadequate in several places
- Design is inferior
- No justification for doubling the size of the museum
- It is geologically unsound

**(+) Danny Lioni**

- Support the project
- It will enhance the City of San Francisco

**(+) Robert Friese**

- He has concerns about the height of the tower
- There is a lack of text regarding the other buildings
- Hopefully, there will be consideration of the height of the tower
- The City will be well served that the EIR go forward, but, the tower and parking will be taken into account.

**(+) Michael Levin**

- He asked for more graphics in the EIR since "a picture is worth a thousand words".
- There are views that should have been included in the EIR.
- The EIR is inadequate for the shadow study since there isn't a picture simulation which could provide information.

**(+) Joe Fusco - People for a New de Young**

- Object the use of the tower as a high rise
- Inadequate EIR
- Controversy about the project is being under estimated
- Insignificant study about the historical significance
- Urge to postpone this EIR
- Put peoples comments in the proper context, especially those who opposed

**(-) Phil Carlton**

- Postpone Certification of the EIR



- Comments and responses were not mailed on time
- Public comments were edited
- Concerned about public going up on the tower

**(+) Ron Miguel**

- Urge you to certify the EIR as adequate and complete
- Concerned about traffic in the area

**(+) Tomasita Madell**

- Tower has been modified
- Urge Commission to certify the EIR

**(+) John Barbey**

- Certify the EIR

**(-) Sue Azawa**

- Concerned with involving the children of San Francisco

**(+) Richard Lanzaratti**

- Support EIR

**(+) Nancy Boas**

- Support EIR certification
- This project would make San Francisco even greater

ACTION: Certified

AYES: Theoharis, Mills, Baltimore, Chinchilla, Fay, Joe, Salinas

MOTION No. 16039

## ITEMS 2 -6 WERE HEARD TOGETHER - ACTION WAS TAKEN SEPARATELY

2. 1999.455E

(NAVARRETE: 558-5975)

New de Young Museum Project, Adoption of Findings Pursuant to the California Environmental Quality Act. The proposed project would demolish and reconstruct the M.H. de Young Museum on the site of the existing de Young Museum in Golden Gate Park. The project would include demolition of eight existing buildings, totaling approximately 230,000 square feet, which compose the de Young Museum and the Asian Art Museum. (The Asian Art Museum will move to the Civic Center.) The new building would include two main levels above grade, one level below grade with a varying roof height ranging from 33 to 48 feet, and a 160-foot tower at the northeast corner of the project site. The building would increase current de Young Museum gallery and exhibition space at the site from the existing 37,000 sf to total about 75,000 sf. The project would remove the 85 existing paved parking spaces for museum staff, currently on the eastern side of the museum, and would not provide replacement parking. The project site is within the P (Public Use) zoning district and within an OS (Open Space) Height and Bulk District; Assessor's Block 1700, Lot 1, bounded to the north and east by John F. Kennedy Drive, to the south by Tea Garden Drive and to the west by the Hagiwara Japanese Tea Garden. (Action by Planning Commission)

Preliminary Recommendation: Adopt CEQA findings.

(Continued from Regular Meeting of November 9, 2000)

### SPEAKERS:

**(+) Unknown Speaker-**

- Opposing current design, especially the tower
- Urge Commission to approve the project

**(+) Shirley Black**

- Building will preserve art for future generations to see and appreciate the past

**(+) Aaron Peskin**

- Support the construction of a new museum

**(+) Sally Ann Ryan**

- San Francisco is one of the most cosmopolitan City in the world, and deserves to have a museum that represents it

**(+) Ukandris Harris**

- Museum will be another jewel for the City



- Museum had done a wonderful job regarding the learning center
  - Support project
- (+) Phillips Martin**
- Point out that people from the de Young has no care regarding the issues of parking and traffic
- (+) John Barbey**
- Concerned regarding the shadow study
  - Commending the space as a learning center
  - Should approve project as submitted
- (+) Ellia Tomoto**
- Particularly proud of the tower as a center of education
  - It will attract families
- (-) Michael Levin**
- Golden Gate Park set this project apart from other projects
  - Concerned about the tower, it is not right for this site
  - Disturbed a great part about the beauty of Golden Gate Park
- (+) Christina Park**
- Public tendency is to support the project
  - This could be in a landmark in the future
  - This shows the rest of the world how high this City regard the art
- (-) Pinky Krischner**
- Lower the tower, make it smaller
  - If we want to save and preserve the education, let the children go somewhere else (Twin Peaks, etc.), teach them about SF.
- (-) Mary Ann Miller**
- Structures that are in GG Park are low structure
  - The idea of building such a tower in the park is outrageous
  - The tower should be modified
  - Suggested a condition that this tower never be used for any other purpose except for education

ACTION:              Approved

AYES:                Theoharis, Mills, Baltimore, Chinchilla, Fay, Joe, Salinas

MOTION No.          16040

3. **New de Young Museum Project, Recreation and Park Commission Recommendation to Planning Commission Regarding Planning Code Section 295 ("Sunlight Ordinance").** The proposed project would demolish and reconstruct the M.H. de Young Museum on the site of the existing de Young Museum in Golden Gate Park. The project would include demolition of eight existing buildings, totaling approximately 230,000 square feet, which compose the de Young Museum and the Asian Art Museum. (The Asian Art Museum will move to the Civic Center.) The new building would include two main levels above grade, one level below grade, with a varying roof height ranging from 33 to 48 feet, and a 160-foot tower at the northeast corner of the project site. The building would increase current de Young Museum gallery and exhibition space at the site from the existing 37,000 sf to total about 75,000 sf. The project would remove the 85 existing paved parking spaces for museum staff, currently on the eastern side of the museum, and would not provide replacement parking. The project site is within the P (Public Use) zoning district and within an OS (Open Space) Height and Bulk District; Assessor's Block 1700, Lot 1, bounded to the north and east by John F. Kennedy Drive, to the south by Tea Garden Drive and to the west by the Hagiwara Japanese Tea Garden. Section 295 of the Planning Code requires, prior to approval of the project, that a determination be made that shading from the structure will not have a significant and adverse effect on lands under the jurisdiction of the Recreation and Park Department. The Commission shall make this determination in a joint hearing with the Recreation and Park Commission to adopt implementation criteria. (Action by Recreation and Park Commission)



Preliminary Recommendation: Recommend finding that shadow impact is insignificant.

**OUTSIDE PLANNING COMMISSION JURISDICTION – RECREATION AND PARK COMMISSION TO VOTE ONLY.**

4. 2000.1094K (NIKITAS: 558-6306)  
New de Young Museum Project, **Planning Commission Findings Regarding Planning Code Section 295 ("Sunlight Ordinance")**. The proposed project would demolish and reconstruct the M.H. de Young Museum on the site of the existing de Young Museum in Golden Gate Park. The project would include demolition of eight existing buildings, totaling approximately 230,000 square feet, which compose the de Young Museum and the Asian Art Museum. (The Asian Art Museum will move to the Civic Center.) The new building would include two main levels above grade, one level below grade, with a varying roof height ranging from 33 to 48 feet, and a 160-foot tower at the northeast corner of the project site. The building would increase current de Young Museum gallery and exhibition space at the site from the existing 37,000 sf to total about 75,000 sf. The project would remove the 85 existing paved parking spaces for museum staff, currently on the eastern side of the museum, and would not provide replacement parking. The project site is within the P (Public Use) zoning district and within an OS (Open Space) Height and Bulk District; Assessor's Block 1700, Lot 1, bounded to the north and east by John F. Kennedy Drive, to the south by Tea Garden Drive and to the west by the Hagiwara Japanese Tea Garden. Section 295 of the Planning Code requires, prior to approval of the project, that a determination be made that shading from the structure will not have a significant and adverse effect on lands under the jurisdiction of the Recreation and Park Department. The Commission shall make this determination following a recommendation by the Recreation and Park Commission. (Action by Planning Commission)

Preliminary Recommendation: Find that shadow impact is insignificant

(Continued from Regular Meeting of November 9, 2000)

**SPEAKERS:** Same as # 2

**ACTION:** Approved

**AYES:** Theoharis, Mills, Baltimore, Chinchilla, Fay, Joe, Salinas

**MOTION No.** 16041

5. 2000.1094R (BADINER: 558-6350)  
New de Young Museum Project, **Findings Of Consistency With General Plan And Planning Code Priority Policies For The New de Young Museum Project In Golden Gate Park**. The proposed project would demolish and reconstruct the M.H. de Young Museum on the site of the existing de Young Museum in Golden Gate Park. The project would include demolition of eight existing buildings, totaling approximately 230,000 square feet, which compose the de Young Museum and the Asian Art Museum. (The Asian Art Museum will move to the Civic Center.) The new building would include two main levels above grade, one level below grade, with a varying roof height ranging from 33 to 48 feet, and a 160-foot tower at the northeast corner of the project site. The building would increase current de Young Museum gallery and exhibition space at the site from the existing 37,000 sf to total about 75,000 sf. The project would remove the 85 existing paved parking spaces for museum staff, currently on the eastern side of the museum, and would not provide replacement parking. The project site is within the P (Public Use) zoning district and within an OS (Open Space) Height and Bulk District; Assessor's Block 1700, Lot 1, bounded to the north and east by John F. Kennedy Drive, to the south by Tea Garden Drive and to the west by the Hagiwara Japanese Tea Garden. Planning Code Sections 234.1 and 290 require uses in a P district and an OS height and bulk district be in conformity with the General Plan. (Action by Planning Commission)

Preliminary Recommendation: Find that Project is, on balance, in conformity with General Plan.

(Continued from Regular Meeting of November 9, 2000)



SPEAKERS: Same as # 2  
ACTION: Approved  
AYES: Theoharis, Mills, Baltimore, Chinchilla, Fay, Joe, Salinas  
RESOLUTION No. 16042

6. 2000.1094V (WOODS: 558-6315)

New de Young Museum Project, Parking Variance Request. The proposal is to remove 85 surface parking spaces for museum staff, currently on the eastern side of the museum, and to construct a new de Young Museum without providing the required 156 off-street parking spaces. The project site is within the P (Public Use) Zoning District and within an OS (Open Space) Height and Bulk District; Assessor's Block 1700, Lot 1, bounded to the north and east by John F. Kennedy Drive, to the south by Tea Garden Drive, and to the west by the Hagiwara Japanese Tea Garden.

(Continued from Regular Meeting of November 9, 2000)

**ZONING ADMINISTRATOR HAS TAKEN PROJECT UNDER ADVISEMENT**

**B. PUBLIC COMMENT**

At this time, members of the public may address the Joint Commission on items of interest to the public that are within the subject matter jurisdiction of these Commissions except agenda items. With respect to agenda items, your opportunity to address these Commissions will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

"The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**None.**

Adjournment: **3:05 P.M.**

**THE DRAFT MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, JANUARY 18, 2001.**



3/01

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, December 13, 2001

1:30 PM

DOCUMENTS DEPT.

Regular Meeting

JAN 16 2002

SAN FRANCISCO  
PUBLIC LIBRARY

PRESENT: Chinchilla, Fay, Joe, Lim, Salinas, Theoharis  
ABSENT: Baltimore

THE MEETING WAS CALLED TO ORDER BY PRESIDENT THEOHARIS AT 1:0 p.m.

STAFF IN ATTENDANCE: Gerald G. Green, Director of Planning; Larry Badiner, Zoning Administrator; Vahramn Massehian; Randall Dean; Jeffrey Tully; Dan DiBartolo; Rick Crawford; Peterson Vollman; Michael Smith; Dan Sider, Mathew Snyder; Patricia Gerber, Transcription Secretary; Linda Avery, Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2001.0015Z (WOODS: 558-6315)  
1052 OAK STREET - north side between Divisadero and Scott Streets, Lot 5 in Assessor's Block 1216 - Request for reclassification of a portion (approximately 3,136 square feet) of Lot 5 (a part of the Touchless Car Wash site) from NC-2 (Small-Scale Neighborhood Commercial) District to RH-3 (Residential, House, Three-Family) District. Currently, the entire lot area, approximately 4,199 square feet, of Lot 5 is zoned NC-2. This reclassification is to allow the construction of three new residential units in accordance with Planning Commission Motion No. 16036 relating to a prior conditional use authorization approved on November 16, 2000 to expand the car wash.  
Preliminary Recommendation: Adoption of the Draft Resolution for Reclassification.  
(Continued from Regular Meeting of October 25, 2001)  
(Proposed for Continuance to January 17, 2002)

SPEAKER(S): None  
ACTION: Continued as proposed  
PRESENT: Theoharis, Chinchilla, Joe, Salinas  
ABSENT: Baltimore, Fay, Lim

2. 2001.0894D (CABREROS: 558-6169)  
22-24 ANNAPOLIS TERRACE - east side between Turk Street and Golden Gate Avenue, Lot 015 in Assessor's Block 1163 - Request for Discretionary Review of Building Permit Application No. 2001/0626/2362 proposing an approximately 28-foot long by 25-foot wide horizontal addition at the rear of the existing third floor within the existing footprint of a two-story portion of a two-family residence in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District  
Preliminary Recommendation: Do not take Discretionary Review and approve project as submitted.

**(Proposed for continuance to March 7, 2002)**

SPEAKER(S): None  
ACTION: Continued as proposed  
PRESENT: Theoharis, Chinchilla, Joe, Salinas  
ABSENT: Baltimore, Fay, Lim

3. 2000.0254D (CABREROS: 558-6169)  
3040 STEINER STREET - east side between Filbert and Union Streets, Lot 050 in Assessor's Block 0534 -- Request for Discretionary Review of Building Permit Application No. 9913355S, proposing to construct a one-story penthouse measuring approximately 10' x 15' (150 square feet) on top of the flat roof of the existing two-unit building, with access to a new 300 square-foot roof deck to contain a spa in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
**NOTE: Project sponsor has failed to post notification on the subject property and withdrawal of the application is pending. A third continuance is not supported by staff.**

SPEAKER(S): None  
ACTION: Discretionary Review Withdrawn

4. 2001.0907DD (JONES: 558-6477)  
3647 – 22<sup>ND</sup> STREET - south side between Sanchez and Vicksburg Streets; Lot 045 in Assessor's Block 3627 - Request for a Discretionary Review of Building Permit Application 2001/0406/6201 to construct a new third story, a new garage, and the addition of a second unit to the existing two story, single-family dwelling in an RH-2 (Residential, House, Two-Family Dwelling) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the building permit as submitted.

**DISCRETIONARY REVIEWS WITHDRAWN**

5. 2001.0829DD (JONES: 558-6477)  
3565 MARKET STREET - east side between Grandview Avenue and Romain Street; Lot 002 in Assessor's Block 2747 - Request for a Discretionary Review of Building Permit Application 2001/0703/2938 to construct a new third story to the existing two story, single-family dwelling in an RH-2 (Residential, House, Two-Family Dwelling) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the building permit as submitted.

**DISCRETIONARY REVIEWS WITHDRAWN**

**B. COMMISSIONERS' QUESTIONS AND MATTERS**

6. Consideration of Adoption - draft minutes of November 8 and 15, 2001.

**ACTION:** Approved as corrected  
**PRESENT:** Theoharis, Chinchilla, Fay, Joe, Salinas  
**ABSENT:** Baltimore, Lim

7. Commission Matters

**Avery:** Reminded commissioners that they need to sign their Sunshine Ordinance Declaration Form

**Salinas:** Indicated to the public, that the Planning Commission is always accessible to the public. Asked the Commission Secretary to indicate, if possible, a better way to allow the communities to communicate their issues to the Commissioners.

C. DIRECTOR'S REPORT

8. Director's Announcements

- All City Department Head met with the Mayor and the new budget staff for the purpose of hearing our current economic forecast and receive instructions regarding the budget for the next fiscal year.

9. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

BOS:

- At the Transportation and Land Use Committee:
- Adoption of Special Use District – approved by CPC to create the permanent industrial protection zone in the Bayview-Hunters Point
- Moratorium on wireless antennas – continued to ask the Planning Department and the Planning Commission to ultimately amend the WTS that the Commission adopted in 1996.
- Rezoning of 1101 O'Farrell Street (Saint Marks Property)

BOA:

- 2252 Beach Street – Continued to January 9, 2002

10. 84.448D

(BADINER)

Review and confirmation of a Condition of Approval for 1660 Mission Street that required a van-shuttle service and re-authorization of budget allocation for the provision of a van-shuttle service.

(Continued from Regular Meeting of December 6, 2001)

**ACTION:** Meeting Held. No Action Required. Staff to inform Department of Real Estate of Planning Commission's decision to not endorse the requirement for a van-shuttle

SPEAKER(S):

(+) Mark Paez, Representing Planner's Union Chapter, Local 21

- There is an application for a Discretionary Review
- There are a lot of issues related to this item
- Asked Commission to continue to another date

D. CONSENT CALENDAR

The following items appear to be uncontested cases, and as of the publication of the Commission Calendar, no letters or phone calls opposing the requested authorization have been received by the Department staff. Following review by the Department, it has been determined

that the project complies with the criteria of Section 303 of the Planning Code. The Planning Director's preliminary recommendation is for approval with appropriate conditions. These cases are therefore considered routine and will be acted upon by a single roll call vote of the Commission. There will be no staff presentation nor discussion of these items unless a member of the Planning Commission or the General Public so requests. In the event of a request for discussion, the Planning Commission may entertain limited discussion prior to taking action or continue the matter to another regular scheduled hearing date. The Commission President will announce the date of the hearing at the time the item is removed from the uncontested calendar.

11. 2001.0985Q (MASSEHIAN: 558-6363)

731- 47<sup>th</sup> AVENUE - west side between Balboa and Cabrillo Streets, Lot 5 in Assessor's Block 1597 - Request approval of a six-unit residential condominium conversion subdivision in an RH-2 (Residential, House, Two Family) District and a 40-X Height and Bulk District. The proposal is to change the existing six-unit building to a condominium form of ownership and does not involve expansion, alteration, or demolition of the existing building.

Preliminary Recommendation: Approval

SPEAKER(S): None

ACTION: Following concerns expressed by Commissioner Lim, this item was continued to 12/20/01 for a full hearing.

AYES: Theoharis, Fay, Joe, Lim, Salinas

NAYES: Chinchilla

ABSENT: Baltimore

12. 2001.0880Q (MASSEHIAN: 558-6363)

1800 UNION STREET - north side between Octavia and Laguna Streets, Lot 7 in Assessor's Block 0530 - Request approval of a four-unit residential condominium and one unit commercial condominium conversion subdivision in the Union Street Neighborhood Commercial District and a 40-X Height and Bulk District. The proposal is to change the existing building to a condominium form of ownership and does not involve expansion, alteration, or demolition of the existing building.

Preliminary Recommendation: Approval

SPEAKER(S): None

ACTION: Approved

PRESENT: Theoharis, Chinchilla, Fay, Joe, Lim, Salinas

ABSENT: Baltimore

MOTION NO. 16299

#### D. REGULAR CALENDAR

13. 2000.965E (DEAN: 558-5980)

949 MARKET STREET - **Public Hearing on Draft Environmental Impact Report.** The proposed project is the demolition of the existing building at 949-961 Market Street (Assessor's Block 3704, Lot 71), consisting of a 40-foot-high former theater and a 66-foot-high former retail component, and construction of a new 12-story-plus-basement, 119-foot-tall, mixed retail-residential building with 152 dwelling units. Total new construction would be about 241,200 square feet. The proposed project would provide 158 parking spaces and one loading space. The approximately 23,400-square-foot project site is located in the middle of the block on the south side of Market Street between Fifth and Sixth Streets, and is within the C-3-G (Downtown General Commercial) zoning district and the 120-X height and bulk district. The proposed project would require authorization by the Planning Commission pursuant to Planning Code Section 309, Permit Review in C-3 District, and Conditional Use authorization. **Note:**

**Written comments will be received at the Planning Department until 5:00 p.m. on December 18, 2001.**

Preliminary Recommendation: No Action Required

**ACTION:** Meeting Held. No Action Required

**SPEAKER(S):**

**(+) Patrick Banks**

- Voiced his support for the proposed project
- This project will revitalize the area
- Creating housing on Market Street is a good proposal

14.

(TULLY: 558-6372)

**CENTRAL WATERFRONT AND DOGPATCH CULTURAL RESOURCE SURVEYS AND CONTEXT STATEMENTS** - Public hearing and consideration of adoption of a motion to endorse the Central Waterfront Cultural Resource Survey and Draft Context Statement, and the Dogpatch Cultural Resource Survey and Context Statement. The Planning Department has completed the Central Waterfront and Dogpatch Cultural Resource Surveys -- the first phase of a multi-year effort to document resources found in neighborhoods throughout San Francisco -- through the Department's Citywide Cultural Resources Survey Program. A cultural resources survey is a planning tool used to identify and document buildings, structures, sites or objects within a set geographic area. Located within the larger Central Waterfront survey boundaries is the Dogpatch neighborhood, which was surveyed separately.

The Central Waterfront Cultural Resource Survey documented 140 buildings, structures, sites and objects between: 16<sup>th</sup> Street to the north, Interstate 280 to the west, Islais Creek to the south and San Francisco Bay to the east, Block/Lots: Block 3941; 3942/2, 3; 3943/3; 3944/4; 3992/2; 3994/1B, 1C, 2, 3; 3995/7, 15; 3996/ 4-6, 15, 18; 3997/3; 3998/17-18; 4042/2; 4043/12A, 13, 16; 4044/2A, 2-4; 4045/2; 4046/1; 4052/1; 4058/5, 9-10; 4059/1A, 1B, 1C, 2B, 9; 4105/9; 4108/3, 3A, 3B, 3D, 3F, 3J, 3M, 3N, 3O, 3R; 4109/1; 4111/1; 4172/3-5, 7, 15-16, 18-21; 4173/1; 4227/31; 4228/10; 4229/2-4; 4231/2; 4241/2-4; 4244/3-4; 4245/1-2; 4246/1; 4247/2; 4296/5; 4310/3; 4314/1A; 4316/2; 4352/7; 4353/9; 4355/6; 4357/3; 4358/7, 9; 4377/1; 4378/6; 9900/1, 68, 70, 84.

The Dogpatch Cultural Resource Survey documented 123 buildings and structures found between: Minnesota and Tennessee Streets, odd and even addresses, from 18th Street to Tubbs Street, Blocks/Lots: 3996/4; 4043/1, 5-7, 9-14, 17; 4060/15; 4106/1-3, 14-16, 2E, 2F, 2G, 2L, 2M, 2O, 25; 4107/1-21, 2H, 5A, 9A, 11B; 4108/1-5, 12-15, 18-19, 1B, 2A, 2B, 2C, 2I, 2J, 2K, 2N, 3C, 3E, 3G, 3H, 3O, 3P, 14A; and 4171/2-3, 6-11, 34, 34B, 36; 4172/2, 4, 5, 6, 11, 13, 18, 25, 27-29, 32, 35, 011B, 018A, 031, 032.

Preliminary Recommendation: Adopt a motion to endorse the Central Waterfront Cultural Resource Survey and Draft Context Statement, and the Dogpatch Cultural Resource Survey and Context Statement.

**SPEAKER(S):**

**(+) Joe Boss, Potrero Boosters**

- As a property owner of the Dogpatch neighborhood, would like to endorse this survey
- (+) Mark Paez, representing Port of San Francisco, also, one the survey advisors that worked with the Planning Department to complete this survey**
  - The port is the major owner of the area in reference
  - Overall the survey, historical, architectural research and documentation is sound
  - Survey will serve as a historical context for potential nominations of the areas resources, whether they are local, state or federal designations.
  - Survey assessments of each resources conditions by the Planing Department was based on observation of the exterior and their estimations do not constitute a full assessment of the conditions of those resources.

**(+) Mark Ryser, San Francisco Beautiful**

- In favor of the concept of the survey as a member of the Department's volunteer advisory group and on behalf of San Francisco Beautiful, who supports the survey.

**(+) Susan Eslick, Dogpatch Neighborhood Association**

- Urged the Commission to endorse the survey

**(Neutral) Shawn Gorman, representing the property owner at 1155-1163 Tennessee Street**

- This endorsement would have a bad impact on this property
- Property owner has requested that his property--block 4172, Lot 40--be held outside the endorsement along with the other 4 properties

**(+) Christopher Irion**

- In favor of the survey

**(+) Jim Haas, Civic Pride**

- Asked the Commission to endorse the survey

**(-) Joe O'Donoghue, Residential Builders**

- Opposed the survey without the proper notification to all neighbors

**(+) Bill Wong**

- Was not notified regarding this survey

- Requested his property at 2805 – 3<sup>rd</sup> Street be excluded from this survey

**(+) Bob Anderson, resident of Dogpatch neighborhood**

- Did get two different notifications at different time, they were very thorough
- Hopes the Commission will endorse this survey

**ACTION:** Approved as amended:

- Endorse the Dogpatch Cultural Resource Survey (California Department of Parks and Recreation Survey Forms DPR 523A and 523B) and Context Statement with the exception of 1155-1163 Tennessee and 2085 3rd Street, and moved to endorse the Central Waterfront Cultural Resource Survey (California Department of Parks and Recreation Survey Form DPR 523A) for all resources contained within the Central Waterfront survey boundaries, and Draft Context Statement.

**PRESENT:** Theoharis, Chinchilla, Fay, Joe, Lim,

**EXCUSED:** Salinas

**ABSENT:** Baltimore

**RESOLUTION NO.** 16300

- 15a. 2000.074EKXC (LeBLANC/NIKITAS: 558-6351)  
77 VAN NESS AVENUE - west side between Fell and Hickory Streets, Lot 22 in Assessor's Block 834 - Request under Planning Code Section 309 for Determinations of Compliance and Request for Exceptions including an exception to the rear yard requirement as permitted in Code Section 134(d), an exception to the bulk limits of Section 270 as permitted in Section 272, and an exception to ground level wind current requirements set forth in Section 148. The Project would construct an 8-story, approximately 100-foot tall building containing 50 dwelling units, approximately 19,550 square feet of office space, 1,350 square feet of ground floor commercial space, 3,400 square feet of rooftop open space for the residential units, at least 400 square feet of public open space in the lobby, and 58 parking spaces in a street-level parking garage. The Project site is currently used as a surface parking lot for approximately 60 cars. This Project lies within a C-3-G (Downtown General Commercial) District, and is within a 120-F Height and Bulk District.

Preliminary Recommendation: Approval with conditions (including limited number of replacement spaces)

**SPEAKER(S):****(+) Jim Ruben, representing project sponsor**

- This is primarily a housing project
- For many years this site has served as a surface parking lot
- Worked hard with staff for the last couple of years to develop the design and select materials to reflect the context and prominence of the location

- Open space has been a subject of much discussion and the project is now situated front and center in a location that is easily available to the public
- (+) Gary Gee, Architect
- Gave a description of the project
- (-) Jim Haas, Civic Pride
- Proud to be here to endorse this project
- This is a very well designed building

**ACTION:** Following testimony, the Commission closed the public hearing and passed a motion of intent to approve as modified. Modifications are as follows: **To allow parking in excess of the accessory amount allowed (58 parking spaces) and to approve the Section 309 ('B') Application and exceptions, but with the requirement that 6 units would be Below Market Rate.** Final Language is scheduled to come before the Commission on 1/10/02.

**AYES:** Theoharis, Chinchilla, Fay, Joe, Lim, Salinas  
**ABSENT:** Baltimore

- 15b. 2000.074EKXC (LeBLANC/NIKITAS: 558-6351)  
77 VAN NESS AVENUE - west side between Fell and Hickory Streets, Lot 22 in Assessor's Block 834 - Request for Conditional Use Authorization for parking in excess of the amount allowed as accessory. The Project would construct an 8-story, approximately 100-foot tall building containing 50 dwelling units along with office and retail space. The Project would have one parking space for every residential unit, and eight spaces for short-term commercial use. The Project site is currently used as a surface parking lot for approximately 60 cars. This Project lies within a C-3-G (Downtown General Commercial) District, and is within a 120-F Height and Bulk District.  
Preliminary Recommendation: Disapproval as proposed, for 50 units with one parking space each. The Department recommends approval of conditional use for a maximum of 25 residential parking spaces for 50 units.

**SPEAKER(S):** Same as those listed for item 15a.  
**ACTION:** Following testimony, the Commission closed the public hearing and passed a motion of intent to approve with modifications. Modifications are as follows: **To allow parking in excess of the accessory amount allowed (58 parking spaces) and to approve the Section 309 ('B') Application and exceptions, but with the requirement that 6 units would be Below Market Rate.** Final language is scheduled to come before the Commission on 1/10/02.

**AYES:** Theoharis, Chinchilla, Fay, Joe, Lim, Salinas  
**ABSENT:** Baltimore

*Items 16a and 16b were taken out of order and heard after item 17.*

- 16a. 2001.0798BX (DiBARTOLO: 558-6291)  
555 MISSION STREET - south side of Mission Street between First and Second Streets, with a secondary frontage on Minna Street, Lots 69, 70, 78, 79, 80 and 81 in Assessor's Block 3721 - Request to modify the original project approved by the Commission on April 5, 2001, granting project authorization under Section 321 of the Planning Code for 499,000 square feet of office space within a 455 foot-high office building. The revised project seeks project authorization under Planning Code Sections 320-325 (Office Development Limitation Program) for the addition of 50,000 gross square feet of office space, totaling 549,000 square feet of office space, by adding three additional floors to the original project, and by increasing the building height from 455 feet to 481.5 feet. The site is located within a C-3-0 (Downtown Commercial, Office) District and a 550-S Height and Bulk District.  
Preliminary Recommendation: Approval with Conditions

**SPEAKER(S):****(+) Jim Ruben, representing project sponsor**

- Asked the Commission to approve this project

**ACTION:** Approved**PRESENT:** Theoharis, Chinchilla, Fay, Joe, Lim, Salinas**ABSENT:** Baltimore**MOTION NO.** 16302

16b. 2001.0798BX

(DiBARTOLO: 558-6291)

555 MISSION STREET - south side of Mission Street between First and Second Streets, with a secondary frontage on Minna Street, Lots 69, 70, 78, 79, 80 and 81 in Assessor's Block 3721 - Request to modify the original project approved by the Commission on April 5, 2001, granting certain exceptions set forth in Sections 148, 132.1 (c), 270 (d)(2), and 270(d)(3) for the 455 foot-high office building. The revised project proposes to add 50,000 square feet of office space to the originally approved project by inserting three additional floors, raising the height of the structure from 455 feet (30 stories) to 481.5 feet (33 stories). The Revised Project requires minor amendments under Section 309 (Downtown Projects) to exceptions granted for the original project, including an exception to the separation of towers requirement (Section 132.1(c)), exceptions to the bulk requirements (Sections 270(d)(2), 270(d)(3)(A), and 270(d)(3)(B)), and an exception to the reduction of ground level wind current requirement (Section 148). The site is located within a C-3-0 (Downtown Commercial, Office) District and a 550-S Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

**SPEAKER(S):** Same as those listed in item 16a.**ACTION:** Approved**PRESENT:** Theoharis, Chinchilla, Fay, Joe, Lim, Salinas**ABSENT:** Baltimore**MOTION NO.** 16303**ITEM 17 WAS TAKEN OUT OF ORDER AND HEARD AFTER ITEM #15**

17. 2001.0618C

(CRAWFORD: 558-6358)

2191 - 2193 MARKET STREET - between 15<sup>th</sup> Street and Sanchez Street, Assessor's Block 3558 Lot 037) - Request under Planning Code Sections 721.49 and 721.26 for Conditional Use Approval for a Financial Service (Patelco Credit Union) and a Walk Up Facility (Automated Teller Machine) that is not recessed the required 3 feet. This project lies within the Upper Market Street Neighborhood Commercial District and within the 50-X Height and Bulk District.

Preliminary Recommendation: Approval with conditions

**SPEAKER(S):****(+) Jack Young, representing Patelco, project sponsor**

- Asked the Commission to approve the project

**ACTION:** Approved**PRESENT:** Theoharis, Chinchilla, Fay, Joe, Lim, Salinas**ABSENT:** Baltimore**MOTION NO.** 16301

18. 2001.0953C

(MASSEHIAN: 558-6363)

331 30<sup>TH</sup> AVENUE - west side between California and Clement Streets, Lot 005 in Assessor's Block 1403 - Request for Conditional Use Authorization under Planning Code Section 209.3(c) to provide a residential care facility for seven or more persons in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District. The

proposal is to expand an existing residential care facility currently authorized for up to six residents, "Damenik's Care Home," increasing the number of residents to twelve.  
Preliminary Recommendation: Approval with Conditions

**SPEAKER(S):** None  
**ACTION:** Approved  
**PRESENT:** Theoharis, Chinchilla, Fay, Joe, Lim, Salinas  
**ABSENT:** Baltimore  
**MOTION NO.** 16304

19. 2001.0399C (P. VOLLMAN: 558-6405)  
627 VALLEJO STREET - between Columbus Avenue and Stockton Street, Assessor's Block 0146, Lots 019 & 020) - Request under Planning Code Section 722.44 for Conditional Use Approval for a small self-service restaurant (Truly Mediterranean) within the existing retail grocery store (Rossi Market). This project lies within the North Beach Neighborhood Commercial District and within the 40-X Height and Bulk District.  
Preliminary Recommendation: Approval with conditions

**SPEAKER(S):**  
(+) Marsha Vallen, spoke on behalf of the project sponsor  
- Asked the Commission to approve the application  
**(+) Jerry Crowley**  
- This project will serve the community  
**ACTION:** Approved as amended:  
- The operator of the facility shall maintain the main entrance to the facility and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at minimum, daily sweeping and litter pickup and disposal, and washing or steam/pressure cleaning of the main entrance and abutting sidewalks at least once each two weeks.  
- This Conditional Use authorization shall be effective for (8) eight years from the date of this Motion No. 16305  
- The applicant shall install and maintain a motion sensor light on the eastern portion of the subject building that faces onto the adjacent alley known as Tracy Place, to prevent misuse of the alley in the evening hours.  
**AYES:** Theoharis, Chinchilla, Fay, Joe, Lim, Salinas  
**ABSENT:** Baltimore  
**MOTION NO.** 16305

20. 2001.0744C (SMITH: 558-6322)  
880 GENEVA AVENUE - west side of the street between Mission Street and Alemany Boulevard, Lot 026 in Assessor's Block 7030 - Request for Conditional Use Authorization under Planning Code Section 712.43 to convert a vacant commercial space formerly occupied by a meat market into a large fast food restaurant, located in a NC-3 (Moderate-Scale Neighborhood Commercial) District and a 65-A Height and Bulk District.  
Preliminary Recommendation: Approval with Conditions

**SPEAKER(S):**  
(+) Katy Lu, project sponsor  
- Urged the Commission to approve this project  
**ACTION:** Approved  
**PRESENT:** Theoharis, Chinchilla, Fay, Joe, Lim  
**ABSENT:** Baltimore, Salinas  
**MOTION NO.** 16306

- 21a. 2000.1231CD (SIDER: 558-6697)  
584 VALENCIA STREET - west side between 16<sup>th</sup> and 17<sup>th</sup> Streets; Lot 011 in Assessor's Block 3568 - Request for Conditional Use Authorization to allow [1] the establishment of a non-residential use with a gross square footage in excess of 2,999 square feet pursuant to Planning Code Sections 726.21 and 121.2 and in excess of 2,000 square feet pursuant to Board of Supervisors Resolution Number 518-01 (Mission District Interim Controls), [2] the reduction of off-street parking requirements for dwelling units in a Neighborhood Commercial Zoning District pursuant to Planning Code Section 161(j), and [3] the creation of market rate housing within the Mission District pursuant to the Mission District Interim Controls. The proposal is to (1) expand an existing full service restaurant ('the Slanted Door') from approximately 4,640 gross square feet to approximately 11,935 gross square feet and (2) construct a one-story vertical addition containing three dwelling units. The property is within the Valencia Street Neighborhood Commercial District, a 50-X Height and Bulk District, and the Valencia Street Sub-Area of the Mission District Interim Controls.

Preliminary Recommendation: Approval with Conditions

**SPEAKER(S):**

**(+) Dan Sullivan, representing project sponsor**

- Gave a description of the project

**(+/-) Jessica Towers**

- In favor of expanding the restaurant
- Opposed to the proposed construction of the one-story vertical addition for the 3 dwelling units.

**(+) (Name unclear)**

- His sentiments are against gentrification of the Mission District

**(+) Peter Glickstern**

- Supports this application
- This business is exactly the kind of place that the Mission needs
- The owner is very active in the community

**(+) August Raphael**

- Supports project

**(+) Angela Kuritan**

- Supports project

**(+) Robert Smith, Slanted Door Employee**

- This restaurant brings a positive environment to the Mission District

**(+) Carlos Perez, Slanted Door Employee**

- Owner had helped him to improve himself

**(+) Mr. Chang, Owner**

- Spoke in regard to the benefits that this restaurant has provided to the community

**(-) Amie Fishman, Mission AntiDisplacement Coalition**

- Concerned about the long term planning
- Asked the Commission to continued this matter

**(-) Luis Granados**

- Opposed the expansion of the restaurant

**ACTION:** Approved

**PRESENT:** Theoharis, Chinchilla, Fay, Joe, Lim

**ABSENT:** Baltimore, Salinas

**MOTION NO.** 16307

- 21b. 2000.1231CD (SIDER: 558-6697)  
584 VALENCIA STREET - west side between 16<sup>th</sup> and 17<sup>th</sup> Streets; Lot 011 in Assessor's Block 3568 – Mandatory Discretionary Review of a proposal which proposes to change the use of an existing vacant commercial laundry facility (a 'retail' use pursuant to Planning Code Sections 726.40 and 790.102) and an existing vacant nail salon (a 'personal service' pursuant to Sections 726.52 and 790.116) to a full-service restaurant (DBA 'the Slanted Door'; pursuant to Sections 726.42 and 790.92). Discretionary Review

is required by Board of Supervisors Resolution Number 518-01 (Mission District Interim Controls). The property is within the Valencia Street Neighborhood Commercial District and a 50-X Height and Bulk District, and the Valencia Street Sub-Area of the Mission District Interim Controls.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

**SPEAKER(S):** Same as those listed for item 21a.

**ACTION:** Did not take Discretionary Review and approved the project.

**PRESENT:** Theoharis, Chinchilla, Fay, Joe, Lim

**ABSENT:** Baltimore, Salinas

**AT APPROXIMATELY 6:30 PM THE PLANNING COMMISSION CONVENED INTO A DISCRETIONARY REVIEW (DR)  
HEARING TO HEAR AND ACT ON DISCRETIONARY REVIEW MATTERS.**

22. 2001.0483D (M.SNYDER: 575-6891)  
1863 NEWCOMB AVENUE - south side between Newhall Street and 3<sup>rd</sup> Street, Lot 25 in Assessor's Block 5311 - Request for Discretionary Review of Building Permit Application No. 2000/12/19/8269 proposing to construct a two-family unit building on a vacant lot in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

**SPEAKER(S):**

(+) Robert Woods, Discretionary Review Requestor

- This project will be beneficial for Hunters Point

(+) William Rattcliff

- No one has been able to develop this property

- This is the first time that local people would be able to develop something

- This would bring professional business to the area

(-) Dennis O'Sullivan, project owner

- These units would be put on the market, they would be available for low-income people

- This project is a good thing for the neighborhood

(-) Charles Ng, project designer

- Gave a description of the project

(-) Joe O'Donoghue

- Asked the Commission to approve this project

**ACTION:** Took Discretionary Review and approved with an amendment:

- **Require a NSR on the rear area be limited to a two (2) unit building**

**PRESENT:** Theoharis, Chinchilla, Fay, Joe, Lim

**ABSENT:** Baltimore, Salinas

**F. PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**NONE**

Adjournment: **6:53 P.M.**

**THE DRAFT MINUTES WERE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, JANUARY 10, 2002.**

**SPEAKERS:** None

**ACTION:** Approved

**AYES:** Baltimore, Fay, Joe, Lim, Theoharis

**ABSENT:** Chinchilla, Salinas

o/0

# SAN FRANCISCO PLANNING COMMISSION

DOCUMENTS DEPT

## Meeting Minutes

JAN 16 2002

SAN FRANCISCO  
PUBLIC LIBRARY

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, December 20, 2001

**1:30 PM**

**Regular Meeting**

**PRESENT:** Theoharis; Fay; Baltimore; Chinchilla; Joe; Lim; Salinas

**THE MEETING WAS CALLED TO ORDER BY PRESIDENT THEOHARIS AT 1:45 P.M.**

**STAFF IN ATTENDANCE:** Larry Badiner – Zoning Administrator; Frank Jones; Rick Crawford; Michael Smith; Vahram Massehian; Mathew Snyder; Rick Cooper; Tina Tam; Geoffrey Nelson, Daniel Sirois; Ben Fu; Linda D. Avery – Commission Secretary

**A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE**

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2000.1317C (SIROIS: 5580-6313)

4791 MISSION STREET - south side of Mission Street, between Russia Avenue and Persia Avenue, Lot 20, Block 6084 - Request for Conditional Use Authorization by North Beach Pizza to use commercial space for storage purposes pursuant to Planning Code Sections 712.66 and 790.117.

**PROJECT WITHDRAWN**

2. 2001.0303D (NIKITAS: 558-6306)

330 – 2<sup>nd</sup> AVENUE - east side, between Clement Street and Geary Boulevard, Lot 27 in Assessor's Block 1433 - Staff-initiated request for Discretionary Review of Building Permit Application Nos. 2000/0229/2998 and 2000/0229/3001 proposing to demolish a three-story, four-unit apartment building and construct a new three-story, three-unit building in an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District.

**DISCRETIONARY REVIEW WITHDRAWN**

**B. COMMISSIONERS' QUESTIONS AND MATTERS**

3. Consideration of Adoption - draft minutes of July 12 and December 6, 2001.

**ACTION:** The minutes of July 12, 2001 were approved and the munutes of December 2, 2001 were continued to 1/10/02.

**AYES:** Theoharis, Baltimore, Chinchilla, Fay, Joe, Lim, Salinas

4. Commission Matters

**AVERY:** Reported that she represented the Commission at a meeting of the Sunshine Ordinance Task Force on Tuesday, 12.18.01. regarding two complaints filed by Mr. Bob Planthold. The first complaint was that the Commission violated the Sunshine Ord., Sec 67.16 of the Administrative Code by failing to take a "roll call" vote on item 22 of the Commission's 9/13/01 calendar. Since Sec. 67.16 of the Sunshine Ord. only requires the Commission Secretary to record in the minutes the roll call vote—not that the policy body actually has to take a roll call vote—the Task Force found the Planning Commission to be in violation of the "spirit" of the Ordinance. The second complaint—that of a seriatim meeting between members of the Planning Commission during the hearing of item 22 on the Commission's 9/13/01 calendar—was withdrawn by Mr. Planthold for a lack of witnesses willing to come forward.

C. DIRECTOR'S REPORT

5. Director's Announcements

**BADINER:** - Announced that the Director was on vacation and during this absence, he would be Acting Director.

- Wished Happy Holidays to the Commission

6. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

- **BOS:** At the Housing, Transportation, and Land Use Committee:

- 1) Consideration of the Planning Commission's IPZ use District – Passed unanimously.
- 2) Wireless Telecommunication Services – Supervisor Ammiano introduced a resolution this past Monday to the Board of Supervisors to modify the WTS Guidelines.
- 3) Saint's Marks Housing Project was approved to amend the height and bulk

**BOA:** None

D. CONSIDERATION OF FINDINGS AND FINAL ACTION—PUBLIC HEARING CLOSED

7. 2001.0680D (JONES: 558-6477)  
3707 – 22<sup>ND</sup> STREET - south side between Noe and Sanchez Streets, Lot 41 in Assessor's Block 3626 - Request for Discretionary Review of Building Permit Application. 2001/03/19/4632, proposing to add a new garage, reduce the existing 2nd-story rear deck, and construct a rear extension beneath the reduced deck at the 1st-story in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the building permit as submitted.

(Continued from Regular Meeting of November 15, 2001)

**NOTE:** On December 6, 2001, following public testimony, the Commission closed public hearing and entertained a motion to not take discretionary review and approve the building permit as submitted. Motion failed to carry by a vote of +3 –3. Commissioners Theoharis, Baltimore and Salinas voted no and Commissioner Fay was absent. A substitute motion to continued the matter to December 20, 2001 to allow the absent Commissioner (Commissioner Fay) to participate passed by a vote + 6 –0. Commissioner Fay was absent.

SPEAKER(S): None

ACTION: Did not take Discretionary Review and approved the project

AYES: Fay, Chinchilla, Baltimore, Joe, Lim

NAYES: Theoharis, Salinas

8. 2001.0957D (CRAWFORD: 558-6358)  
14, 20, 26, 32, 38, 46, 50 & 62 ARCO WAY - northwest side north of Havelock.  
Assessor's Block 3154 Lots 32,39,38,37,28,27,26, & 24 - Request for Discretionary  
Review of Building Permit Applications 2000/07/19/5580, 2000/07/19/5577,  
2000/07/19/5569, 2000/07/19/5563S, 2000/07/19/5571S, 2000/07/19/5581,  
2000/07/19/5584, and 2000/07/19/5573 for construction of 8 new single family dwellings  
two and three stories tall in an RH-1, Residential House, One Family, district and a 40-X  
Height and Bulk district.

Preliminary Recommendation: Do not take Discretionary Review and approve the  
permits.

(Continued from Regular Meeting of December 6, 2001)

**NOTE:** On December 6, 2001, following public testimony, the Commission closed  
public hearing. A motion to take DR and approve the project with the modification  
that requires ground floor accessibility (i.e. widen doorways, remove or alter stairs  
that lead to the doorways, etc.) failed to carry by a vote of +3 -3. Commissioners  
Chinchilla, Joe and Theoharis voted no. Commissioner Fay was absent. A  
substitute motion to continue the matter to December 20, 2001 to allow the absent  
Commissioner to participate passed by a vote of +4 -2. Commissioners Baltimore  
and Chinchilla voted no. Commissioner Fay was absent.

SPEAKER(S): None

ACTION: Took Discretionary Review and approved the project as modified to make  
the units adaptable to accessibility

AYES: Theoharis, Fay, Baltimore, Joe, Lim, Salinas

NAYES: Chinchilla

## E. REGULAR CALENDAR

*Item 9 was taken out of order and heard after item 11.*

9. 2000.1204Q (SMITH: 558-6322)  
4094-98 – 25<sup>TH</sup> STREET AND 1191-1193 NOE STREET - northeast corner of 25<sup>th</sup> and  
Noe Street, Lot 026 and Assessor's Block 6537 – Request approval of a 5-unit residential  
condominium conversion subdivision of two separate multi-unit buildings on one lot  
located in a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk  
District. The proposal is to change the existing dwelling units to a condominium form of  
ownership and does not involve expansion, alteration, or demolition of the existing  
building.

Preliminary Recommendation: Approval

SPEAKER(S): None

ACTION: Approved

AYES: Theoharis, Fay, Chinchilla, Baltimore, Joe, Lim, Salinas

MOTION NO. 16309

10. 2000.0672Q (SMITH: 558-6322)  
223-231 DOLORES STREET - east side between 15th and 16th Streets, Lot 237 in  
Assessor's Block 3556 - Request approval of a six-unit residential condominium  
conversion subdivision of an apartment building located in a RM-1 (Residential, Mixed,  
Low-Density) District and a 40-X Height and Bulk District. The proposal is to change the

existing six dwelling units to a condominium form of ownership and does not involve expansion, alteration, or demolition of the existing building.

Preliminary Recommendation: Approval

**SPEAKER(S):**

(+) David Gillman, attorney representing project sponsor

- There were no evictions notices that have been served to any of the tenants
- Tenants would be given the right to purchase

ACTION: Approved

AYES: Theoharis, Fay, Chinchilla, Baltimore, Joe, Lim

NAYES: Salinas

MOTION NO. 16310

**ITEM 11 WAS TAKEN OUT OF ORDER AND HEARD AFTER ITEM 8.**

11. 2001.0985Q (MASSEHIAN: 558-6363)  
731- 47<sup>th</sup> AVENUE - west side between Balboa and Cabrillo Streets, Lot 5 in Assessor's Block 1597 - Request approval of a six-unit residential condominium conversion subdivision in an RH-2 (Residential, House, Two Family) District and a 40-X Height and Bulk District. The proposal is to change the existing six-unit building to a condominium form of ownership and does not involve expansion, alteration, or demolition of the existing building.

Preliminary Recommendation: Approval

(Continued from Regular Meeting of December 13, 2001)

**SPEAKER(S):**

John Malamag, City Attorney's Office – answered questions regarding condominium conversion and the selling price of the proposed condominiums

((+) David Gillman, Attorney for Project Sponsor

- Responded to various questions regarding the project.

ACTION: Approved

AYES: Theohairs, Fay, Chinchilla, Baltimore, Joe, Lim, Salinas

MOTION NO. 16308

- 12a. 2001.0974CV (MSNYDER: 575-6891)  
950 GILMAN AVENUE - north corner of Gilman Avenue and Arelious Walker Drive, Lot 17 in Assessor's Block 4936, a property currently used for parking for the True Hope Church of God in Christ, Inc. - Request for Conditional Use authorization under Planning Code Sections 121.1, 710.11, and 790.56 to develop a site that is larger than 4,999 square feet in an NC-1 (Neighborhood Commercial, Cluster) District, a 40-X Height and Bulk District, and the Candlestick Special Use District. The project involves the construction of 22 below market-rate units on a site currently used for parking. . The site is a Location Preference 2 (Preferred Location – Co-Location Site) according to the Wireless Telecommunications Services (WTS) Siting Guidelines.

Preliminary Recommendation: Approval with Conditions

**SPEAKER(S):**

(+) Rev. Arnold Thownsend

- Introduced the project to the Commission
- Concerned about keeping working people in the City that we do not need to loose
- This project is being done without the use of tax payer's money

((+) Rev. A. Walker

- A lot of people have moved out of the City because of high housing prices
- Encouraged the Commission to approve this project

((+) Marty Dalton, partner of Unit Property Capitol Holdings

- Gave a description of the project

**(+) Kelly Dearman**

- Urged the Commission to support this project

**(+) Tim Tosta, Steefel, Levett & Weiss**

- This is a pilot project that brings an extraordinary promise—that of bringing affordable housing to the market sooner than it would come ordinarily

**(+) Tracy Dearman**

- Read a statement from one of the applicants

**(+) Linda Richardson**

- We have a great opportunity to increase the affordable housing in San Francisco
- Encouraged the Commission to approve the project

**(+) Robert Hector, Ella Hill Hutch Community Center**

- Supports the project
- Our youth do not need to move out of this wonderful City

**(+) Rev. H. L. Davis**

- Asked and encouraged the Commission to approve this project

**(+) Dr. Amos C. Brown**

- Supports this project

**(+) Pastor Joesiah Bell**

- Supports the project

**(+) Pastor George Lee**

- Supports this project

**(+) Tyrone Netters, Bay View Hope**

- Read a letter from one of their key supporters
- Encouraged the Commission to approve this project

**(+) Carl Alexander, True Hope Church**

- This project would give us an opportunity to make history

**(+) Royal Scott, Jr.**

- Supports this project

**(+) Rev. Victor L. Medearis**

- Urged the Commission to approve this project

**(+) Rabbi Douglas Kahn, Jewish Community Relations Council**

- Supports this project

**(+) Alex Jacobson, True Hope Care and Restoration**

- This project would give me the opportunity to set myself up for ownership

**(+) Chaplain Earl Rogers,**

- If the City does not provide affordable housing, we would have an enormous exodus of people

**(+) Gregory Richardson**

- This project will boost the moral in our City
- This particular community needs a lot of support from you

**(+) Rev. Ted Frazier**

- Supports the project

**(+) John Kevin Jefferson, III**

- In support of the project

**(+) George Wesolek**

- Supports the project

**(+) Al Williams**

- Encouraged the Commission to act favorably

**ACTION:**      **Approved**

**AYES:**      Theoharis, Fay, Chinchilla, Baltimore, Joe, Lim, Salinas

**MOTION NO.**    16311

**900-950 GILMAN AVENUE** - north side between Griffith and Arelious Walker Drive, Lots 15, 16 17 in Assessor's Block 4936, the True Hope Church of God in Christ, - Request for a variance from the parking requirement as regulated by Planning Code Section 151, in an NC-1 (Neighborhood Commercial, Cluster) District, a 40-X Height and Bulk District, and the Candlestick Special Use District. The church currently requires as many as 27 parking spaces for its facility. The area of the lot that is used for parking is proposed to be developed with affordable housing.

**SPEAKERS:** Same as those listed in item 12a.

**ACTION:** THE ZONING ADMINISTRATOR CLOSED PUBLIC HEARING AND HAS TAKEN THE MATTER UNDER ADVISEMENT INDICATING HIS INTENT TO GRANT THE VARIANCE.

- 13a. 2001.0938ACD (M.SNYDER: 575-6891)  
**3615 20<sup>TH</sup> STREET**, south side between Guerrero Street and Valencia Street, Lot 74 in Assessor's Block 3608 - Request for a Certificate of Appropriateness pursuant to Planning Code Section 1006.2(b) to allow new construction on a vacant lot within a Historic District in the Valencia Neighborhood Commercial District, a 50-X Height and Bulk District, the Mission District, and the Liberty Hill Historic District.

Preliminary Recommendation: Approval with conditions

**SPEAKER(S):**

(+) Brett Gladstone, Attorney for the project sponsor

- Asked Commission approve this project

(+) Ed Davis

- Supports THIS project

**ACTION:** Approved

**AYES:** Theohairs, Fay, Chinchilla, Baltimore, Joe, Lim, Salinas

**MOTION NO.** 16312

- 13b. 2001.0938ACD (M.SNYDER: 575 -6891)  
**3615 20<sup>TH</sup> STREET** - south side between Guerrero Street and Valencia Street, Lot 74 in Assessor's Block 3608 - Request for Conditional Use authorization per Board of Supervisor's Resolution No. 518-01 (Mission District Interim Controls) to develop six market-rate residential units in the Valencia Neighborhood Commercial District, a 50-X Height and Bulk District, the Mission District, and the Liberty Hill Historic District.

Preliminary Recommendation: Approval with conditions

**SPEAKER(S):** Same as those listed in item 13a.

**ACTION:** Approved

**AYES:** Theohairs, Fay, Chinchilla, Baltimore, Joe, Lim, Salinas

**MOTION NO.** 16313

- 13c. 2001.0938ACD (M.SNYDER: 575 -6891)  
**3615 20<sup>TH</sup> STREET** - south side between Guerrero Street and Valencia Street, Lot 74 in Assessor's Block 3608 - Mandatory Discretionary Review pursuant to Board of Supervisors Resolution 518-01 (Mission District Interim Controls) for a change the use from being a vacant lot to one containing a new building with six residential units and one commercial unit in the Valencia Neighborhood Commercial District, a 50-X Height and Bulk District, the Mission District, and the Liberty Hill Historic District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

**SPEAKER(S):** Same as those listed in item 13a.

**ACTION:** Did not take Discretionary Review and approved the project as proposed

**AYES:** Theohairs, Fay, Chinchilla, Baltimore, Joe, Lim, Salinas

14. 2000.1229E (COOPER: 558-5974)  
SAN FRANCISCO CRUISE TERMINAL MIXED-USE PROJECT AND BRANNAN STREET WHARF PROJECT - Public Hearing on the Draft Supplemental Environmental Impact Report (SEIR). The proposed project would involve two components: 1) the construction of two berths (including necessary dredging) and a new terminal for cruise ships that call at the Port of San Francisco, as well as ancillary commercial development, all on Pier 30-32 (Block 9900, Lots 30 and 32); and 2) the construction of a residential project on Seawall Lot 330 (Block 3770, Lots 1 and 2, Block 3771, Lot 1), across the Embarcadero from Pier 30-32. The cruise terminal would contain about 100,000 gross square feet (gsf) of floor area, while the commercial element would include about 370,000 gsf of office space and about 220,000 gsf of retail/entertainment space. About 450 parking spaces would be provided on the pier. The residential component, on the block bounded by the Embarcadero and Beale and Bryant Streets, would include about 350 dwelling units and 350 parking spaces. The SEIR also analyzes a separate but related project involving the design and construction of the Brannan Street Wharf (Block 9900, Lots 34 and 36), a new, approximately 57,000-square-foot waterfront park along the Embarcadero just south of Pier 30-32.

Preliminary Recommendation: No Action Required

**NOTE:** Written comments will be accepted at the Planning Department's offices until the close of business on January 16, 2002. This date represents a two week extension of the written comment period beyond the date first advertised and printed on the cover of the Draft EIR.

**SPEAKER(S):**

(-) **Schyleen Qualls Brown**

- Does not support this project
- Concerned about air and traffic congestion
- Will loose the wonderful view of the bay

(-) **Cathy Bennett**

- Does not support this project
- This project would destroy the historical waterfront of San Francisco
- This is not a place for a dressed up strip-mall

(-) **John Cornwell**

- Concerned about traffic

(-) **Ernestine Weiss**

- This is a horrendously big project
- Concerned about the air quality and traffic congestion

(-) **Eleanor Linquist (aka El St. John)**

- Concerned about parking, traffic, open space and air quality

(-) **Matt Neadham**

- This project would cause significant environmental impacts to the community, city and the region

(-) **Earl Gee**

- This project would have a negative impact upon their neighborhood in three ways: 1) It will totally block off the public main street view corridor looking toward the bay; 2) It will severally obstruct the water view from our complex; 3) It will be out of scale with surrounding developments and inappropriate for the waterfront.

(-) **Kira Schmidt**

- Concerned about the air quality and water pollution

(-) **Michael Sweet**

- Concerned about the traffic

(-) **Bill Barnes**

- Concerned about traffic and air quality

(+) **Gwyneth Borden, San Francisco Chamber of Commerce**

- Urged the Commission to certify the EIR

**(+) Mr. Erickson, Emerald Fund, Real Estate Developer**

- Firmly supports this project

**ACTION:** Public hearing to gather public and Commission comments only. No Action Required at this time.

15. 2000.1191C (TAM: 558-6325)  
1828 GENEVA AVENUE - southwest corner of Geneva Avenue and Carter Street, Lots 6 and 7 in Assessor's Block 6423 - Request for Conditional Use authorization under Planning Code Sections 303 and 304 for a Planned Unit Development to permit construction of 48 dwelling units, requiring modification of Code standards for dwelling-unit density (Section 209), usable open space (Section 135), rear yard (Section 134), and unit exposure (Section 140) in the RH-2 District and 40-X Height and Bulk District.  
Preliminary Recommendation: Approval with conditions.

**SPEAKER(S): None**

**ACTION:** Without hearing, continued to 1/10/02

**AYES:** Theohairs, Fay, Chinchilla, Baltimore, Joe, Lim, Salinas

16. 2001.0605C (NELSON:558-6257)  
510 FREDERICK STREET - north side between Willard and Stanyan Streets; Lot 006 in Assessor's Block 1263 - Request for Conditional Use authorization pursuant to Section 710.83 of the Planning Code to install a total of three antennas and related equipment on the rooftop and an equipment shelter on the basement level of an existing four-story, mixed-use (residential above commercial) building, as part of Metro PCS's wireless telecommunications network within an NC-1 (Neighborhood Commercial Cluster District) a 40-X Height and Bulk District. As per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the proposal is a Location Preference 2 (co-location site).  
Preliminary Recommendation: Approval with conditions

(Continued from Regular Meeting of November 15, 2001)

**NOTE:** On November 15, 2001, the Commission continued this matter to 12/20/01 for staff to consult with the Department of Building Inspection to determine the condition and structural safety of this vacant/burned-out building and what it would require to put it back in use. The vote was +5 -1. Commissioner Salinas voted no. Commissioner Joe was absent. Public hearing remains open.

**SPEAKER(S):**

**(+) Barbara Stein – Representing Metro PCS**

- Gave a report on the conditions and structural safety of the building
- (+) (Name unclear) – One of the owners of 510-520 Frederick Street
- All repairs on the building have been done

**ACTION:** Approved

**AYES:** Theohairs, Fay, Baltimore, Joe, Lim, Salinas

**NAYES:** Chinchilla

**MOTION NO.** 16314

- 17a. 2001.0762CV (SIROIS: 558-6313)  
590 BOSWORTH STREET - north side of Bosworth Street, between Arlington Street and Diamond Street, Lot 044 Assessor's Block 6745 - Request for conditional use authorization by Glen Park Dental to demolish a residential unit at the second story pursuant to Planning Code Section 711.39 and to construct a three-story mixed-use building without providing the required parking for the residential unit pursuant to Planning Code Section 161 (j). The project site is located in an NC-2 (Small-Scale Neighborhood Commercial) District and in a 40-X Height and Bulk District.  
Preliminary Recommendation: Approval with conditions

**SPEAKER(S):****(+) Dan Gustason, Project Sponsor**

- Had run out of space and needs to expand his dental office

**(-) Martin Leung, MD**

- Opposes the project and has concerns about parking

**ACTION:** **Approved****AYES:** **Theohairs, Fay, Chinchilla, Baltimore, Joe, Lim, Salinas****MOTION NO.** **16315**

- 17b. **2001.0762CV** (SIROIS: 558-6313)  
590 BOSWORTH STREET - north side of Bosworth Street, between Arlington Street and Diamond Street, Lot 044 Assessor's Block 6745 - Request for a rear yard variance to construct a three-story mixed-use building that encroaches 11.5 feet into the required rear yard at the second story. Adequate rear yard is provided at the bottom and top levels. The project site is located in an NC-2 (Small-Scale Neighborhood Commercial) District and in a 40-X Height and Bulk District.

**SPEAKERS:** Same as those listed in item 17a.**ACTION:** **THE ZONING ADMINISTRATOR CLOSED PUBLIC HEARING AND GRANTED THE VARIANCE.**

- 18a. **2001.0718CR** (FU: 558-6613)  
1701 JERROLD AVENUE - south side of Jerrold Avenue, between Phelps Street and Quint Street, Lot 001, Assessor's Block 5280 - Request for the approval of General Plan Referral pursuant to Section 4.105 of the City Charter to install a wireless telecommunications facility consisting of nine (9) panel antennas and related equipment at an existing four-story publicly-used structure as a part of Metro PCS' wireless telecommunications network in a P (Public) Zoning District with a 65-J Height and Bulk Designation.

Preliminary Recommendation: Approval with conditions

**SPEAKER(S):****(+) Debra Stein – Representing Metro PCS**

- Urged the Commission to approve this application

**ACTION:** **Approved****AYES:** **Theohairs, Fay, Chinchilla, Baltimore, Joe, Lim, Salinas****MOTION NO.** **16316**

- 18b. **2001.0718CR** (FU: 558-6613)  
1701 JERROLD AVENUE - south side of Jerrold Street, between Phelps Street and Quint Street, Lot 001, Assessor's Block 5280 - Request for Conditional Use Authorization pursuant to Section 234.2 of the Planning Code to install a wireless telecommunications facility consisting of nine (9) panel antennas and related equipment at an existing four-story publicly-used structure (a sewage treatment plant) as a part of Metro PCS' wireless telecommunications network within a P (Public) Zoning District and a 65-J Height and Bulk District.

Preliminary Recommendation: Approval with conditions

**SPEAKER(S):****(+) Debra Stein – Representing Metro PCS**

- Urged the Commission to approve this application

**ACTION:** **Approved****AYES:** **Theohairs, Fay, Chinchilla, Baltimore, Joe, Lim, Salinas****MOTION NO.** **16317**

19. **2001.0721C**

(JONES: 558- 6477)

2645 OCEAN AVENUE - south side of Ocean Avenue, between Buckingham Way and 19th Avenue, Lot 23, Assessor's Block 7226 - Request for Conditional Use Authorization pursuant to Section 710.83 of the Planning Code to install a wireless telecommunications facility consisting of five (5) panel antennas and related equipment at an existing three-story medical office building. The proposed site is part of Metro PCS' wireless telecommunications network and lies within an NC-1 (Neighborhood Commercial Cluster) Zoning District and a 26-X Height and Bulk District. The site is a Location Preference 2 (Preferred Location – Co- Location Site) according to the Wireless Telecommunications Services (WTS) Siting Guidelines.

Preliminary Recommendation: Approval with conditions.

**SPEAKER(S):**

(+) Debra Stein – Representing Metro PCS

- Urged the Commission to approve this application

(+) Dana Francisco

- Answered several questions from Commissioner Salinas regarding health issues

**ACTION:** Approved

**AYES:** Theohairs, Fay, Chinchilla, Baltimore, Joe, Lim, Salinas

**MOTION NO.** 16318

20. 2001.0962C (JONES: 558-6477)

2400 – 2418 14<sup>TH</sup> AVENUE - ALSO KNOWN AS 345 – 355 TARAVAL STREET - at the southeast corner of 14<sup>th</sup> Avenue and Taraval Street, Lot 034, Assessor's Block 2412 - Request for Conditional Use Authorization pursuant to Section 711.83 of the Planning Code to install a wireless telecommunications facility consisting of three (3) panel antennas and related equipment at an existing 35-foot tall building occupied by retail and public assembly uses. The proposed site is part of Metro PCS' wireless telecommunications network and lies within an NC-2 (Small-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District. The site is a Location Preference 1 (Preferred Location – Publicly-Used Structure) according to the Wireless Telecommunications Services (WTS) Siting Guidelines.

Preliminary Recommendation: Approval with conditions.

**SPEAKER(S):**

(+) Debra Stein – Representing Metro PCS

- Urged the Commission to approve this application

**ACTION:** Approved

**AYES:** Theohairs, Fay, Chinchilla, Baltimore, Joe, Lim, Salinas

**MOTION NO.** 16319

**At Approximately 4:20 PM the Planning Commission convened into a Discretionary Review (DR) Hearing to hear and act on Discretionary Review matters.**

21. 2001.0710DDDDD (JONES: 558-6477)  
8 MIGUEL STREET - south side of Miguel Street, Lot 50 in Assessor's Block 7542 - Request for Discretionary Review of Building Permit Application No. 2001/03/09/3915 proposing new construction of a four-story, single-family dwelling on a newly subdivided lot in an RH-1 (Residential, Single-Family) District and a 40-X Height and Bulk District. Preliminary Recommendation: Do not take DR and approve the building permit as submitted.

**ALL DISCRETIONARY REVIEWS FILED ON THIS MATTER HAVE BEEN WITHDRAWN**

22. 2001.1097D (JONES: 558-6477)  
148 BEACON STREET - north side of Beacon Street, Lot 50 in Assessor's Block 7542 - Request for Discretionary Review of Building Permit Application No. 2001/03/09/3927 proposing new construction of a three-story, single-family dwelling on a newly subdivided

Lot in an RH-1 (Residential, Single-Family) District and a 40-X Height and Bulk District.  
(Proposed new lot number pending at the Assessor's Office)

Preliminary Recommendation: Do not take DR and approve the building permit as submitted.

**ACTION:** Without hearing, continued to 1/10/02

**AYES:** Theoharis, Fay, Chinchilla, Baltimore, Joe, Lim, Salinas

**F. PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**NONE**

Adjournment: **5:54 p.m.**

**THE DRAFT MINUTES WERE PROPOSED FOR ADOPTION AT THE REGULAR MEETING  
OF THE PLANNING COMMISSION ON THURSDAY, JANUARY 10, 2002.**

**SPEAKERS:** None

**ACTION:** Approved

**AYES:** Baltimore, Fay, Joe, Lim, Theoharis

**ABSENT:** Chinchilla, Salinas

✓







